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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Combined fourth, fifth and sixth periodic reports of States parties

Venezuela*

* The present document is being issued without formal editing.
For the initial report submitted by the Government of Venezuela, see CEDAW/C/5/Add.24, which was considered by the Committee at its fifth session. For the second periodic report submitted by the Government of Venezuela, see CEDAW/C/13/Add.21. For the third periodic report submitted by the Government of Venezuela, see CEDAW/C/VEN/3.

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INTRODUCTION

1. The Republic of Venezuela is located in the northern part of South America. Its territory covers 916,445 km2. It is the sixth-largest country in South America, in terms of area, being bounded to the north by the Caribbean with the Greater and Lesser Antilles, to the north-east by the Atlantic, to the east by the Republic of Guyana, to the south by the Federative Republic of Brazil, and to the west by the Republic of Colombia.

2. Its total population is estimated at 23,232,553, according to the initial results of the 2001 census of population and housing (these data are still preliminary, and consequently are subject to adjustment), divided almost equally between women (50.5%) and men (49.5%). Estimates and projections by the National Statistical Institute of Venezuela (INE) indicate that this division will be maintained over the coming twenty years.

3. Annual population growth in the country is 2.3%, and population density is 25.7 inhabitants per square kilometre.

4. In net terms, 55.1% of the population aged 15 and over is in the labour force (whether employed or unemployed).

5. Venezuela is a country with a young population. At present 33.1% of the population is aged 14 or younger. However, the population segment that has shown the greatest growth in the past ten years is that of older adults. According to INE figures for the year 2001, there are more than a million people aged 65 years and over, which equates to a rate of growth of approximately 4.9% of the total population.

6. The index of masculinity is 0.97.

7. Life expectancy at birth in Venezuela for the year 2002 was 76.6 for women and 70.8 for men. This figure has increased since the year 1995 when life expectancy at birth was 75.1 for women and 69.4 for men.

8. The general fertility rate (per 1000 women of child-bearing age) for the year 2001 was 82.4.

9. On 15 December 1999, the new Constitution of the Republic of Venezuela was approved by way of a popular referendum. This Constitution recognizes four major categories of rights:

a) The right to survival: the right to life, to health, to an adequate standard of living, and to acceptance by the parents of responsibility for raising their children.

b) The right to development: the right to education and to access to information, the right to keep one's identity, to one's name and to being registered, the right not to be separated from one's original family, to recreation and to culture.

c) The right to protection: covering all the forms that such protection may adopt in order to deal with exploitation and cruelty, including protection against sexual abuse, against the sale of or trafficking in children, and so on.

d) The right to participation: this includes freedom to express opinions and to be heard with regard to those matters that concern the citizenry, as well as to play an active role, even a leading one, in society in general.[1]

10. Additionally, the current Constitution of the Republic, drawn up with a gender approach, recognizes children, adolescents, young people, older persons, and the handicapped, with respect for their human condition and physical characteristics as persons entitled to rights, justice, and comprehensive protection.[2] It also enshrines cultural, social and economic integrity, the right to develop one's own ethnic and cultural identity, view of the world, values, spirituality, sacred places and places of worship, as well as the right of indigenous peoples to enjoy complete health, and to determine their own economic practices.

11. The Republic of Venezuela " is a federal decentralized State as laid down by the terms enshrined in this Constitution, and it is ruled by the principles of territorial integrity, cooperation, solidarity, concurrence and shared responsibility" (Article 4 of the Constitution of the Republic of Venezuela).

12. Article 136 of the Constitution states that: "Public authority is exercised at three levels: municipal, state and national. At the national level, public authority is divided into the legislative, executive, judicial, civic and electoral branches. Each of the branches has its own functions, but the bodies responsible for carrying out those functions shall cooperate in order to achieve the goals of the State".

a) Legislative authority is exercised by the National Assembly comprising deputies elected in each federal administrative unit by universal direct suffrage, which is both individual and secret, applying proportional representation.

b) Executive authority is exercised by the President, the Vice-President, the Ministers and other officials as determined by the Constitution of the Republic and its laws.

c) Judicial authority: the power to administer justice emanates from the citizens and is granted in the name of the Republic by the authority of the law. The justice system comprises the Supreme Court of Justice and the other courts as determined by the law, the Office of the Attorney General, the Office of the Public Defender, the criminal investigation bodies, the justice assistants, the officials of justice, the prison system, the alternative means of implementing justice, the citizens who take part in the administration of justice in accordance with the law and the lawyers admitted to practice.

d) Civic authority is exercised by the National Accountability Council, comprising the People's Defender, the Government Attorney and the Comptroller-General of the Republic.

e) Electoral authority is exercised by the National Electoral Council, acting as the governing body, and by the bodies subordinate to it, namely the National Electoral Board, the Civil Registry and Electoral Commission, and the Commission

[1] Defence of the second and third periodic reports of Venezuela on the application of the International Covenant on Economic, Social and Cultural Rights. Geneva, Switzerland, 24 and 25 April 2000.

[2] Defence of the second periodic report of Venezuela on the application of the International Covenant on Economic, Social and Cultural Rights. (p. 24), preliminary version.

on Political Participation and Financing, with the organization and operations as established by the relevant organic law.

13. In February 1999, following his democratic election by popular vote, Hugo Chávez Frías took office as the President of the Republic. Since then, the country has been going through a process of peaceful democratic revolution "with the supreme goal of recasting the Republic to embody a democratic, fully participatory, multiethnic and multicultural society in a justice-based State, federal and decentralized, which consolidates the values of freedom, independence, peace, solidarity, common good, territorial integrity, coexistence and the rule of law for this and future generations; which ensures the right to life, work, culture, education, social justice and equality without discrimination or subordination; which promotes peaceful cooperation between nations and acts in support of Latin American integration in accordance with the principle of non-intervention and self-determination of peoples, the universal and indivisible guarantee of human rights, democratization of international society, nuclear disarmament, ecological equilibrium and the juridical environmental assets as the common and unwaivable patrimony of humanity". In order to achieve this goal, which is laid down in the preamble to our Constitution, the Government of President Chávez has designed a Government Programme based on five balances: political, social, economic, territorial and international.

14. The People of Venezuela and their Government have taken on the commitment to social, cultural, economic and political development guaranteed in the Constitution and in the legislative and judicial reforms, in line with the principles of equality and full respect for human rights, dignity and human integrity.

15. Likewise, they have undertaken reforms intended to improve the administration of the public institutions and systems, with the aim of making them more accessible and responsive to the needs of all.

16. The Government of the nation, among other targets intended to eliminate discrimination and achieve gender equity, is taking measures, progressively:

a) To ensure that men and women living in poverty have access to the resources of production, (credit, land, education and training, technology, knowledge and information), to public services and to participation in decision-making;

b) To establish policies, structures, objectives and goals to ensure gender equity in the decision-making processes, to broaden women's political, social, economic and cultural opportunities, and to empower the various organizations, especially indigenous women's and community-based organizations;

c) To widen the legal framework for equality and equity between the genders in order to bring about respect for human rights, justice, fundamental liberties, eliminating thereby all forms of discrimination;

d) To guarantee the right of indigenous peoples to maintain and develop their identity, culture and interests, to give support to their aspirations for justice, and to provide them with an environment of social, economic and political participation;

e) To guarantee that all handicapped people have access to work, to rehabilitation and to other services.

f) To further the creation of a stable and just society based on the promotion and protection of human rights, non-discrimination, tolerance, respect for diversity, equality, solidarity, security and participation.

g) To promote policies, attitude changes, structures and laws aimed at eliminating discriminatory practices.

h) To promote the exercise of participatory and full-involved democracy, the state of law, pluralism and diversity, tolerance and shared responsibility, non-violence and solidarity, by urging the educational systems, communications media and communities in the direction of social integration.

17. In line with political and structural changes in the country, the National Council for Women, set up as a permanent Presidential Commission, by virtue of the provisions of the Equal Opportunities for Women Act, (published in Extraordinary Official Gazette No. 4 635 of 28 September 1993), amended by Extraordinary Official Gazette No. 5 398 of 25 October 1999, evolved into the National Women's Institute (Instituto Nacional de la Mujer - INAMUJER), an autonomous institute with legal personality and its own assets.

Article 1

18. The Constitution of the Republic of Venezuela, approved by the people by referendum on 15 December 1999, establishes equality of rights as between men and women in all spheres of life: family, work, political, social, community, participatory, economic, and others. It recognizes women as full citizens, and uses non-sexist language throughout, from the preamble to the final provisions. Article 88 recognizes the economic and social value of domestic work, and Article 76 recognizes women's sexual and reproductive rights. The two articles state:

> Article 88: "The State shall guarantee the equality and equity of men and women in the exercise of the right to work. The State shall recognize housework as an economic activity which creates added value and produces wealth and social well-being. Housewives shall have a right to social security in accordance with the law".
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> Article 76: "Motherhood and fatherhood shall be comprehensively protected, whatever the civil status of the mother or the father may be. Couples shall have the right to decide freely and responsibly the number of sons and daughters that they wish to conceive, and to have at their disposal the information and the means which ensure them the exercise of this right. The State shall guarantee assistance and comprehensive protection to the state of maternity in general, from the moment of conception, and during pregnancy, delivery and the post-natal period, and shall ensure the provision of family planning services based on ethical and scientific values. The father and mother shall have the shared and unwaivable duty to raise, train, educate, sustain and assist their sons and daughters, and the latter shall have the duty to assist their parents when either of them shall not be capable of doing so on his or her own. The law shall establish the necessary and appropriate measures to guarantee that the obligation to provide sustenance shall be enforced".

19. The drafting of the new Constitution fully incorporated the proposals submitted by the National Women's Institute and the women's organized movement.

The proposals made by the women are primarily concentrated in Chapter V of the Carta Magna, entitled "On Social and Family Rights," (articles 75 to 97).[3]

20. The Equal Opportunities Act "regulates the exercise of the rights and guarantees to achieve equal opportunities for women on the basis of the Act of Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women" (Article 1).

Article 2

21. With regard to Article 2 of the Convention, Article 23 of the Constitution of the Republic of Venezuela lays down that: "The treaties, covenants and conventions concerning human rights subscribed and ratified by Venezuela shall have constitutional rank and shall prevail over domestic laws, wherever and to the extent that their stipulations on the enjoyment and exercise of such rights are more favourable than those established by this Constitution and the law of the Republic, and they shall be immediately and directly applicable by the courts and other bodies of the public authority".

22. The reform of the Civil Code as it related to the duties and rights of marriage was concluded on 26 July 1982. There was a shift away from the patriarchal organization of the family, with the elimination of the authority of the husband over the wife, and establishment of equal rights between men and women. This change is clearly laid down in Section XI, Part I, Article 140 which reads "spouses, by mutual accord, shall take decisions relating to family life and shall determine where the conjugal home shall be".

23. As a specific instrument relating to the protection and the establishment of the principle of equality between men and women, Venezuela has the Equal Opportunities for Women Act (published in Extraordinary Official Gazette No. 4 635, of 28 September 1993). This Act provides for equity in opportunities for employment, the right to work, remuneration and social security, with the objective of guaranteeing the full exercise of women's human rights.

24. It did not enter into effect on that date, and consequently INAMUJER was unable to start operating, due to legal errors and shortcomings. On the basis of Presidential Decree No. 428, of 26 October 1999, published in Official Gazette No. 5 398, the Act was amended and the Institute and the National Office for the Defence of Women's Rights began to carry out their functions effectively.

25. Another fundamental legal instrument is the Violence against Women and the Family Act (Extraordinary Official Gazette No. 36 531) which was promulgated on 3 September 1998 and entered into force on 1 April 1999. The provisions of this Act not only make violence against women and the family a crime, but they also establish the rights of persons under protection, the protection and treatment of mistreated persons and education of the aggressors, procedural principles, the definition of violence against women and the family and its various types, policies for prevention and assistance, the functions of INAMUJER, the responsibility of the ministries, states, municipalities and units providing care and treatment of acts for

[3] See Annex: National Constitution of the Republic of Venezuela.

violence against women, threats, violations and their consequences; civil liability; procedures, and so on [4]

26. At the present time, May 2004, the Act is subject to an appeal based on procedural violations in a lower court, filed by the Government Attorney of the Republic of Venezuela on 26 August 2003, which presents the view that the bodies that receive accusations of violence against women are prevented from taking precautionary measures to assist them. This negates the character of such complaint-receiving bodies as auxiliaries under the judicial authority.

27. INAMUJER, the Centre for Women's Studies of the Central University of Venezuela and various women's NGOs have joined the suit and have rebutted everything contained in the appeal, fully establishing that the Act is constitutional. The case is about to go to judgement. If the alleged negation embodied in the appeal lodged by the Government Attorney were to be confirmed, battered women would once again be abandoned and consequently their aggressors would once again enjoy impunity in the country.

28. In the Land and Development Act (published in Official Gazette No. 37 323 on 13 November 2001) there are direct references in some of the articles to the peasant woman as being the beneficiary under the Act, and benefits are conferred on female heads of household, as is stated in Article 14: "priority consideration in the allocations of land ... shall be given to female citizens who are heads of household and who undertake to work a plot of land for the subsis ence of their family group and for incorporation in the development of the nation. Female citizens working in agricultural production shall be guaranteed a special food subsidy before and after giving birth, from the Institute for Rural De-elopment".

29. The preliminary draft Law on Social Responsibility in Radio and Television approved in second reading in the National Assembly in May 2003, lays down, in subsection (p) of the sole paragraph of Chapter VI covering Administrative Responsibility, penalties of up to thirty thousand (30,000) tax units, for any provider of radio and television services who "broadcasts messages which promote, advocate or incite to discrimination against persons or groups for reasons of race, colour, national and ethnic origin, language, religion, rites, age, gender, social origin and condition, economic standing, physical appearance, state of health, handicap, birth, ideas, thoughts or opinions whether political or of any other type, or for any reason relating to any other condition of the persons".

30. Additionally, this preliminary draft Law provides for the creation of a Directorate and a Council for Social Responsibility to discuss and approve the technical regulations deriving from the law, with participation by the National Women's Institute (INAMUJER), the National Council for Children and Adolescents and the Ministry of Communication, as well as other public institutions. This will guarantee, once the Act has been promulgated, active participation by women in the drafting of communication and regulation policies in the areas of prevention of violence against women, prevention of discrimination and mainstreaming of the gender approach.

31. The National Youth Act, published in Official Gazette No. 37 404 of 14 March 2002, provides in its Article 8, under Title II, Duties and Rights of Young People,

[4] See Annex: Violence against Women and the Family Act.

that "the State, society and the family shall provide the means to guarantee the full incorporation of young people in decision-making relating to public life, in the affairs of State and in the destinies of communities; additionally they shall develop educational undertakings which will reinforce pluralistic coexistence, the practices of solidarity, justice and gender equity and will strengthen a democracy and peace-oriented culture between young men and women".

Article 3

32. The Government of Venezuela is developing policies with regard to women, framed within fundamental approaches which define the government's current programme:

a) In the political sphere, it has developed the "Campaign for 50/50 participation in arms of government". As a result of this, women have been enabled to gain access to high-level political functions in the public authorities. In Venezuela, following the constituent process in 1999, an increase in the presence of women in the public sector was observed. The proportion of women at high levels of government has increased significantly.

The increase in the participation of women in leadership positions (ministers, deputies, city council members, mayors, presidents of autonomous institutes, presidents of public banks, public financial institutions, coordinating deputy ministers, directors, and so on) has tended to become more marked in percentage terms in the institutions of the national government.

The National Women's Institute (INAMUJER), as "... the permanent body responsible for definition, execution, direction, coordination, supervision and evaluation of the policies and matters relating to the condition and situation of women" (Article 47 of the Equal Opportunities Act), has set itself the goal of democratizing policies, programmes, plans and projects, by promoting the participation of women in all sectors of the country. As a result of initiatives by the Regional Directorate, links have been established with the women in the various states and there has been a drive to create regional institutes, regional councils, women's centres and shelters throughout the country. The objective is to implement the measures which INAMUJER has designed in its role as the guiding body for gender-related public policies, in order to bring about women's empowerment and active participation in society. The years between 2001 and 2004 have seen the creation of a total of 26 women's shelters, 7 regional women's institutes, 12 offices of women's affairs, three municipal women's institutes and one comprehensive care centre.

In this process of democratization, a fundamental role has been played by the concept of the "Meeting Points with INAMUJER", which constitute grass-roots organizations and function as centres for linking communities with government bodies. The purpose is to place the women in the communities in contact with the Government, in order to seek solutions to the common problems affecting them and to exercise wholly-involved participation. Between the creation of INAMUJER in 1999, and the year 2003, 11,937 such Points have been set up, bringing together a total of 125,230 organized women.

INAMUJER has drawn up the National Plan for Women's Equality, in order to promote the mainstreaming of the gender approach in all government bodies in

Venezuela, and this was presented in 2003 to a national meeting involving 1,247 women from people's organizations, specialists in the area of women's interests and ministerial bodies.

Advisers, of both sexes, from the United Nations Population Fund (UNFPA) took part in the review of the Plan. It is intended that it should be implemented starting in the second half of 2004, with the formal establishment of the gender approach in all government offices in the country, intended to guarantee access to equal opportunities for women and the defence of their rights.

The National Office for the Defence of Women's Rights is the legal arm of INAMUJER which supports and assists women in the defence of their rights. It was created under the Equal Opportunities for Women Act, in 2000. Its functions include defending women's human rights, as enshrined in the Constitution of the Republic of Venezuela and laid down in our law and in international conventions signed and ratified by the Government. Between 2000 and 2003 the Office has dealt with 11,456 women bringing cases relating to violence against women, and has provided legal guidance.

In the field of legal assistance, in 2003 the National Office for the Defence of Women's Rights implemented the Women's Rights and Access to Justice programme with the aim of monitoring the observance of the laws, declarations, conventions, regulations and provisions relating to women's rights. This programme has assisted women whose human rights have been infringed, providing them with legal advice.

Recently, as shown in Official Gazette No. 37 928, of 30 April 2004, the Office of the Special Women's Defender was created by resolution No. DP-2004049, under the Office of the People's Defender, with responsibility at national level for women's rights.

b) In the social sphere. The Ministry of Health and Social Development (MSDS), created in 1999, defines health as a social right guaranteed by the State, in accordance with the principles of universality, equity and solidarity. Other principles governing it are that it should be based on comprehensive actions, that it should be free and that it should promote social integration and participation. As one of its priorities in this process of reform, the MSDS is developing the comprehensive care model, which strengthens the primary level of care, increasing the response capacity and placing emphasis on actions of health promotion and disease prevention, with participation of civil society being an essential tool. The basic offer of services includes a series of undertakings which integrate the individual programmes directed towards specific population groups demarcated by age and family characteristics. One of the main challenges is to ensure that the strengthening of the outpatient network results in a profound change in the care model, with the outpatient departments becoming areas which actually produce health rather than simply centres for care of illness. During the year 2004, the MSDS is advancing rapidly with the establishment of a unified health system which is intended to counter the fragmentation from which this sector has suffered for many years and to respond to the new needs for security in health of the country's men and women.

Under the legal framework established by the Carta Magna, a proposed draft Organic Law on Health has been drawn up. This is currently undergoing reading, and its purpose is to develop and make effective the constitutional right to health as a fundamental social entitlement. Article 63 of this draft law covers the issue of

violence and health, reading as follows: "The National Public Health System shall act intersectorally to take the measures necessary for the prevention of the various types of violence and of encouragement of violence, in the light of the impact that these exercise on health. All forms of abuse and violence, including sexual and domestic violence, shall be deemed to be contrary to overall health". Similarly, in Article 124, referring to the creation of the National Health Information System, it covers the recording and analysis of those groups that are most affected by violence. With the aim of fulfilling the stipulations of the Constitution of the Republic of Venezuela, the Health Act, and international agreements, the Ministry of Health and Social Development has made it a priority to mainstream the gender perspective in the policies and actions being developed. For this purpose, a plan for training in the gender approach and health is being drawn up to make it possible for the mechanisms underlying the process of health-illness to be recognized, and to require specific actions from men and women providing care.

With regard to the obligation of the State to promote, protect and guarantee women's human rights, Decree No. 364 was promulgated in Official Gazette Number 37 705, of June 5 2003, covering the Official Regulations on the National Health System relating to sexual and reproductive health in public and private establishments.

The health policies in place since 1999 give priority to mothers and fathers, in their position as the heads of the family, with the aim of protecting the family according to the stipulations of Article 75 of the Constitution: "The State shall protect families as a natural form of association within society; the State shall guarantee protection for the mother, for the father or for whoever is acting as the head of the family".

In order to protect women's human rights, the Government of Venezuela, working through INAMUJER, has drawn up and is carrying out the National Plan for Prevention of Violence Against Women and Care of its Victims, the general objective of which is the creation of an interinstitutional and intersectoral action system, which will make it possible for the Government to monitor, investigate and punish violence against women.

This plan includes, as well as other programmes, the free telephone number 0-800-MUJERES ["women"] (0-800-6853737), usable throughout the country, which provides primary psychological care to battered women as well as information on where to turn for help. The service involves psychologist and lawyers, as well as other professionals who are specialists in providing care to battered women. Between 1999 and 2003 the service handled a total of 12,430 calls. In the cases of violence reported by the women who received care in 2003 by way of the 0800 MUJERES line, 74.74% entailed physical violence, 12.86% property violence, 8.69% sexual violence, 1.64% economic violence, 1.25% deprivation of liberty and 0.93% violence in the workplace. In the first quarter of 2004, the line dealt with 762 calls.

Part of the activities of the Plan involves offering safety to women and their family who are victims of violence, through the creation of shelters for women in imminent danger of physical harm resulting from family violence.

The shelters work with assistance from community health and legal services, strengthening a network of care in the places where they are located; the shelters

also represent a community service infrastructure for a population group with a profile determined by family violence.

In the year 2002, the shelter programme, through its headquarters in Aragua, which is equipped to provide accommodation, provided assistance to 34 women and 77 children of both sexes. In 2003, 45 women and 82 children of both sexes were helped. The assistance provided is based on psychological guidance, legal care, references and guidance on services provided by other institutions: medical facilities, Government Attorney's offices, police centres, training for women and follow-up on the women and children who have left the shelter.

c) In the economic sphere: the Government has implemented a series of policies for the promotion of employment, access to credit and the creation of a higher standard of living. In support of these goals it is encouraging links between the bodies promoting a social economy and the financing and training organisms.

The State of Venezuela has thus assumed the commitment taken on at the Millennium Summit, having to do with reducing poverty (in the short and medium term) through social and economic strategies which are oriented not only towards satisfaction of the basic material needs for health, food, education and work, but also towards the defence of human rights of both men and women and an increasingly equitable distribution of the wealth created.

In this sphere, special consideration is being paid to food security for the population. To that end, a project has been created, under the name Misión Mercal, within which the Special Programme for Food Security (Programma especial para la seguridad alimentaria - PESA) in urban and periurban zones is of particular importance. Over and above basic demographic information, beneficiaries will be selected on the basis of their socio-economic characteristics and their capacity for organization. Additionally, an equitable gender distribution in the inclusion of people in the programme will be sought, taking into consideration the following criteria:

- Households in poverty
- Households headed by single women
- Households headed by men or women with less than three years' education or threes grades of formal education
- Families and individuals with a low level of organization for production, and consequently limited access to sources of financing.

Account will also be taken of special conditions. For example, if women belonging to the associative groupings become pregnant, they shall enjoy the necessary and relevant consideration that their condition demands, and will be able to approach the social and health services to obtain antenatal care.

With support from the United Nations Population Fund (UNFPA), in 2002 a strategic alliance was established among the Ministry of Labour, the Women's Development Bank and INAMUJER, for the purpose of carrying out a plan entitled Promotion and Education in Sexual and Reproductive Health and Gender Equity in the Working Environment. The underlying objective of this plan is to improve the quality of life of women seeking to enter the workforce, by relating sexual and reproductive health to poverty, equity between men and women, violence and

empowerment of women. The beneficiaries were 128,500 women connected with INAMUJER, promoters and users of the Women's Development Bank and personnel of the employment agencies under the Ministry of Labour.

The Women's Development Bank was established at the request of the National Women's Institute under decree No. 1243 of 8 March 2001, published in Official Gazette No. 31 154 of the same date. It was set up as a public microfinance institution, providing micro-loans and other financial and non-financial products to assist women in poverty who are pursuing initiatives of production of goods and services, or selling, on a micro-enterprise scale, in the popular sectors. The Bank serves as a facilitator of training activities, technology transfer matched to small-scale economic units, technical assistance and guidance in the area of gender equity, in order to empower the women to exercise their human rights, economic, cultural and social.

The Women's Development Bank facilitates access to financial and non-financial resources for micro-enterprises run by women who are already in poverty or are becoming impoverished, both on an individual basis and as part of various associative groupings, with the ultimate aim of creating sources of decent work and income for the family group, leading to the elimination of poverty and of the inequitable distribution of the national income. It assists the indigenous population, the Afro-descendants and those in poor urban areas. The non-financial services include sexual and reproductive health, training for work and life, motivation for success, citizenship and the development of micro-scale production lines. Between September 2001 (when its operations started) and 2004 the Women's Bank approved some 40,000 loans at subsidized rates of interest. Approximately 120,000 potential jobs have been created in two and a half years, benefiting 600,000 persons throughout the country. Additionally, 30,000 women have received training in the areas of local-level economics, project design, community and participatory diagnostics, cooperatives, management of micro-enterprises, leadership and topics of human development such as: overall health, sexual health, reproductive health and prevention of domestic violence. With its assistance, 18 popular networks of users of the Bank have been established and 22 strategic cooperation agreements signed with national and international institutions.

Another institution which promotes access to jobs and loans is the Fund for Development of the Microfinance System (FONDEMI), set up under Chapter IV, Article 8 of the Decree with the force of Law on the Creation, Encouragement, Promotion and Development of the Microfinance System, published in Official Gazette No. 37 164 of 22 March 2001. FONDEMI supports policies to promote, develop and strengthen the microfinance system, by granting loans to the self-employed or unemployed and work-related community associations, with the overarching aim of contributing to the wellbeing of the country. Between 2001 and 2003, 3,235 loans were made to women, generating 5,775 direct jobs and 10,895 indirect ones.

33. Additionally, since 2003 INAMUJER has been implementing the Programme of Women's Economic Rights, the principal objective of which is to promote, support and guarantee women's participation, on a gender-equity basis, in the productive fabric of the nation, through strengthening those areas in which women have traditionally suffered discrimination, such as in the value attached to their productive role. The Programme also provides capacity-building, training in

technology and access to financial resources and policies on employment. This programme is directed towards women of meagre economic resources, indigenous women, Afro-descendant women, craftswomen, women and girls who have dropped out of school or who have a low level of education, young women, female heads of household, peasant women, and older women able to be productive but unemployed. The programme is implemented with the interinstitutional support of FONDEMI, INCE, the Ministry of Labour, the Women's Development Bank, the Ministry of Planning and Development and the Eumelia Hernández School for Women. Under this programme, INAMUJER in 2003 organized ten awareness-raising days for 300 women. By April 2004, 45 awareness-raising days had been organized, attended by 120 women, and INAMUJER had granted 60 loans in its capacity as the implementing agency for FONDEMI. The loans granted total VEB 44,544,616.00 ($22,727). All of the loans granted have a zero interest rate.

34. The Constitution of the Republic of Venezuela lays down that laws shall be drawn up or amended in accordance with the principles of equality, equity, peace and justice. In this connection, importance attaches to initiatives taken in the National Assembly in order to develop the specific legal framework of Article 88 of the Constitution.

35. Article 19 of the Constitution of the Republic de Venezuela provides that the State shall guarantee "to all persons, in conformity with the principle of progressiveness and without any discrimination, the unwaivable, indivisible and interdependent enjoyment and exercise of his or her human rights... Respect and guarantee thereof shall be mandatory for the bodies under public authority in conformity with the Constitution, the treaties on human rights subscribed and ratified by the Republic and the laws implementing them".

36. Additionally, Article 21 of the Constitution establishes the equality of persons before the law and lays down clearly that: "No discrimination shall be permitted that is based on race, sex, beliefs, or social condition, nor any that, in general, has the purpose or result of negating or diminishing the recognition, enjoyment or exercise of the rights and liberties of every person, under conditions of equality".

Article 4

37. The Constitution of the Republic of Venezuela provides in its Article 21, Section 2 that all persons are equal before the law, and that in consequence: "The law shall guarantee the legal and administrative conditions to make equality before the law real and effective; shall adopt positive measures in favour of persons or groups who may suffer discrimination or be marginalized or vulnerable; shall especially protect those persons who owing to one of the conditions specified above find themselves in a situation of manifest weakness and shall punish any abuse or mistreatment committed against them".

38. The Government of Venezuela has adopted relevant administrative and legal measures, such as the granting of rural dwellings to mothers and the priority given to women in loan applications to the lending bodies, as well as the special treatment which is given to women in the allocation of land (laid down in the Lands Act), in the programme for granting urban lands and micro-loans (the Microfinance Act) and in financial assistance and help (the Fisheries Act, etc). Additionally, specific financial bodies have been created to deal with the situation of women and their development. An example is the Women's Development Bank, Banmujer.

Article 5

39. The Constitution of Venezuela introduces a fundamental change, in its use of on-sexist language from the preamble to the transitional provisions, referring to men and women, male and female citizens, older men and women, male and female President, boys and girls, and so on. This use of language will have an impact on the sociocultural patterns of Venezuelan society since it recognizes the full status of women.

40. The President of the Republic has incorporated non-sexist language into his speeches on both the national and the international stage, transmitting the principles of democracy and full equality embodied in the Constitution and the defence of women's human rights, in the widest sense.

41. The Government, through INAMUJER, has promoted the awareness and use of gender-appropriate language, with the aim of bringing about changes in the cultural stereotypes that perpetuate discrimination against women. To that end, in 2002 it signed an agreement with the United Nations Population Fund covering sexual and reproductive health in the working environment, a set of leaflets was designed and published ("Towards a language that takes us into account" and "Let's talk About Gender") for widespread publication, with a run of 10,000 copies.

42. The Constitution of the Republic of Venezuela, in its Article 76, recognizes the shared responsibility between men and women with respect to the education and development of children. This reveals a significant change in the concept of the family in Venezuela, one in which the man, by law, must take on roles which have traditionally been considered to belong to the woman.

43. In the privately-owned communications media in our country, there exist discriminatory and sexist stereotypes with regard to women, as can be observed in soap operas, news reports, commercials and advertisements, and discussion programmes.

44. Since the year 2002, Channel 8 of the State Television Broadcasting Service has shown a segment dedicated to the National Women's Institute every two weeks, in which there is discussion of the topics relating to gender equity, non-discrimination and prevention of violence against women. Moreover, starting in 2004 the State-run radio (Radio Nacional de Venezuela) has had a weekly segment called "The Female Approach", dealing with the topic of gender and promotion of women's rights (short wave, international channel). The same radio service also broadcasts a weekly one-hour programme on the 630 AM frequency, to combat racial prejudices and to promote non-discriminatory values to promote the development of tolerance and respect for ethnic and gender differences. The segment is entitled "Afro-descendants".

45. The amount of space devoted to information from INAMUJER in the various daily newspapers, both in Caracas and elsewhere in the country, is around 43,006 column centimetres for the years 2001, 2002 and 2003.

46. The coverage has been increasing: in 2001 it was around 12,398 column centimetres. In 2002 it was 13,164 and in 2003 17,444 column centimetres, reflecting the importance which attaches to news referring to women's issues.

47. With the aim of introducing changes in the attitude of the population relating to discrimination against women, in recent years INAMUJER has produced 131

radio programmes to widen knowledge of women's rights and the gender approach. In the year 2000 there were 27 programmes, in 2001, 30, in 2002, 46, and in 2003, 55.

48. In the year 2000, 23 television programmes were produced emphasizing the prevention of violence against women and care of its victims, as well as sexual and reproductive rights and gender. In 2001, there were 24 such programmes, in 2002, 29 and in 2003, 51.

49. Among other measures to change discriminatory stereotypes and prejudices, starting in 2004 INAMUJER has been providing training to 200 persons, including journalists and people working in the media, in the use of non-sexist language.

50. In the year 2002, to commemorate 8 March, the women's movement organized a march to the seat of the National Assembly in order to submit the preliminary draft law on Responsible Fatherhood, drawn up by the Office for the Defence of Women's Rights. To date, the draft law has not been discussed.

51. In the area of educational policy, mechanisms are being put into place t promote gender equality and the elimination of all types of discrimination. Th Ministry of Education, Culture and Sport has set in motion the revision of the educational curriculum in order to integrate the gender perspective into the curriculum content and the study methodology, giving recognition, throughout the educational system, to the cultural diversity of indigenous peoples and Afro-descendants of both sexes, as well as of women in general. To that end it has organized workshops attended by both governmental and non-governmental participants, the latter including grassroots organizations and male and female experts on the subject.

52. Currently a three-year educational project on Sexuality, Reproductive Health and Gender Equity is being developed with the United Nations Population Fund. The purpose of this project is to assist in providing comprehensive training of the pupils of both sexes at the various educational establishments for the full and responsible exercise of their sexual and reproductive rights throughout their entire lives.

53. The first ten months of this project have seen the holding of eight refresher workshops on sexual education for the central and regional technical team of the Ministry of Education, Culture and Sport, as well as educational workshops on sexuality and gender equity in the redesign of the curriculum.

54. With reference to sexual harassment in the working environment, Article 19 of the Violence against Women and the Family Act establishes penalties for sexual harassment as a crime against women and the family.

55. The judicial system does have a precedent for a guilty verdict pronounced for a complaint of sexual harassment. It is the first and (so far) only judgement for sexual harassment handed down in Venezuela by a national criminal court, and was pronounced in Táchira on 21 June 2001. A bank manager accused of sexual harassment by various female employees, secretaries, and female junior employees of the bank was sentenced to perform community service in the accounting department of a state-run hospital, for a period of 7 months and 15 days. In addition the aggressor had to take part in educational and preventive programmes and pay to each of the eight victims the sum of 100 tax units, in accordance with the provisions

of Articles 25, 26, 29 and 30, subsection 2, of the Violence against Women and the Family Act.

Article 6

56. Article 54 of the Constitution of the Republic of Venezuela (on Duties, Human Rights and Guarantees – Chapter III – on Civil Rights) lays down that: "No person shall be subjected to slavery or servitude. Trafficking in persons and, in particular, in women, children and adolescents, in all its forms, shall be subject to the penalties provided for by law".

57. Additionally, Article 78 of the Constitution lays down that: "Children and adolescents are full holders of rights and shall be protected by legislation, by official bodies and by specialized courts, which shall respect, guarantee and implement the provisions of this Constitution, of the Convention on the Rights of the Child and of other international treaties on this subject which have been subscribed and ratified by the Republic. The State, the families and society shall assure them, with absolute priority, comprehensive protection, to which end any decisions and actions concerning them shall be taken with their interests having precedence. The State shall promote their progressive incorporation into the active citizenry and shall create a national controlling system for the comprehensive protection of children and adolescents".

58. The Equal Opportunities Act, in its Title IV, relating to the National Office for the Defence of Women's Rights, stipulates in Article 54, subsection (g): "... shall apply extreme vigilance where women are performing domestic work, with the aim of avoiding trafficking in undocumented persons or minors, as well as preventing and eliminating the exploitation and the various forms of slavery to which women are subjected under ostensibly work-related circumstances".

59. In addition, the Organic Law on the Protection of Children and Adolescents[5] (LOPNA), promulgated on 2 October 1998, which entered into force on 1 April 2000, provides for the creation of the National Council on Children's and Adolescents' Rights. This law grants full citizenship to children and adolescents and stipulates that a platform of programmes and services shall be generated to guarantee the rights granted to them, including the right to live a life without violence. This law establishes the right of girls, boys and adolescents to be informed and educated about sexual and reproductive health, so as to bring about sexual behaviour and parenthood which will be responsible, healthy, voluntary and risk-free. The implementing agencies under the LOPNA in each district are responsible for its observance.

60. The 2000-2006 National Plan for the Comprehensive Protection of Children and Adolescents, drawn up by the Council on Children's and Adolescents' Rights, as a guide for monitoring and tracking the guarantees relating to children's and adolescents' rights and their human and overall development, directs action as to:

- The role of the State in its public administration and in the institutional changes called for by the new regulatory framework.

[5] Appended: Organic Law on the Protection of Children and Adolescents.

- The role of both male and female citizens in taking a leading part in defining, requiring and monitoring the rights of children and adolescents, with an approach of shared responsibility.
- The role of the families as a natural space for human growth and development.
- The choice of physical and financial investments to guarantee rights.
- The protection areas as a development instrument favourable to work, to education, and to science and technology, for the new territorial balance established as the country's development policy.

61. For some years, an NGO named AMBAR has been active in the country, focussing its work on dealing with prostitution of women. Through the STI/AIDS programme, this NGO maintains an agreement with the MSDS covering care for the overall health of female prostitutes. It is important to point out that the Government of the Republic of Venezuela is developing a series of social policies aimed directly at the communities to improve the living conditions of the whole population, including women, and thereby to create conditions such as to reduce substantially the exploitation through prostitution of women living in poverty.

Article 7

62. Women in Venezuela have the same the same rights as men to vote in all elections, to be elected and to participate in the political and public life of the country. In practice the proportion of women in high government positions has increased significantly. According to data supplied by the National Electoral Council, there was a considerable rise in 1998, of 12.56% in the Chamber of Deputies and of 8.77% in the Chamber of Senators. Within the process of the National Constituent Assembly in 1999, the percentage of women elected in order to elect the deliberative bodies remained the same as in the election of 1998, and women's participation in the National Legislative Commission increased, reaching 28.57% in January 2000. In 1995, out of 22 ministries only two were headed by women ministers, one of them holding the portfolio for the Family and the other being the Minister of State for Youth, in 1998, there were two women ministers out of a total of 21 ministries, namely the Minister of the Treasury and the Minister of Labour. In 1999, out of a total of 18 ministries two were headed by women, namely Treasury and the Environment. At the present time as a result of Government support to the "50/50" campaign being promoted by the National Women's Institute (INAMUJER), there are three women ministers, holding the portfolios of Labour, the Environment and Science and Technology, five female Vice-Ministers, a woman President of the National Securities Commission, a female National Treasurer, one female Attorney-General of the Republic, one female Deputy Government Attorney of the Republic, one female Deputy Comptroller, two women magistrates, five female university vice-chancellors and nine women at the head of autonomous institutes. In the popularly-elected posts, we currently have two women governors, 18 women parliamentarians and 27 women mayors.

63. Since 1999, the National Executive has appointed several women to take leading ministerial responsibilities: as the Vice-President of the Republic and as the ministers of Production and Trade, Health and Social Development, Labour, the Environment, Science and Technology, and Communication and Information. Since 2002, on average there have been four female ministers out of a total of 15

ministries, and thus the number of women in ministerial positions has doubled under the present President of the Republic, Hugo Chávez. Moreover, the Women's Development Bank, set up in 2001, is headed by a woman.

64. In 2004, there are 8,062 women working in the national armed forces, distributed over the following areas:

- Directorate-General of the Ministry of Defence: 53
- Sectoral Directorate of the Ministry of Defence: 87
- Unified Command No. 1 of the National Armed Forces: 23
- Command of the Caracas Garrison: 41
- Basic National Armed Forces School: 114
- Joint General Staff: 7
- Headquarters of the Ministry of Defence: 51
- Sectoral Directorate for Recruitment: 539
- Military Intelligence Directorate: 110
- Army: 2,153
- Navy: 1,238
- National Guard: 1,920
- Guard of Honour Regiment: 23
- Directorate for Military Justice: 37
- Court-Martial: 23
- Sectoral Directorate-General for Services: 346
- Military Hospital (Silverio Castillo): 157
- Military Hospital (Thebano Paredes Vivas): 731
- Military Hospital (Francisco Balbuena): 231
- Office of the Comptroller-General of the National Armed Forces: 102
- Sectoral Directorate-General for Personnel: 76

65. The National Women's Institute is committed to empowering women's exercise of citizenship and encouraging their participation in the various levels and areas of State authority, and in management and decision-making in the private sector, in professional associations, in trade unions, in political parties and in civil society, as a guarantee of democratization and social equity.

66. Between the years 1995 and 1999, a series of programmes was developed with a view to promoting women's political participation. These included the Programme of Municipal Administration for Women, carried out through the Foundation for the Promotion of Women (1996) and covering 130 women. This involved the organization of workshops providing training in municipal administration and resources, including analysis of the principal legal instruments underlying them, as well as the urban development and territorial disposition of the State.

67. In response to the call from the President of the Republic for the Venezuelan people to join in the discussion of the 2001-2007 Economic and Social Development Plan, the National Women's Institute, as the body directing public policies relating to women and thus committed to mainstreaming the gender approach in the five public authorities (executive, legislative, judicial, electoral and civic), organized a number of consultative meetings throughout the country, which were attended by representatives of regional women's institutes, State councils and women's shelters, from each of the states of the country. The outcome of this initiative was a set of proposals submitted by the women's movement to the Ministry for Planning and Development, with the intention that they should be considered for inclusion in the 2001-2007 Economic and Social Development Plan.

68. INAMUJER, in order to strengthen the work of the women's organizations, is developing programmes to promote the organization of women at the community level and, to that end, is implementing the programme of Women's Enhanced Empowerment and Socio-political Participation. One of the components of this plan involves the Meeting Points with INAMUJER, which constitute a forum where women can organize, developing activities for their individual and collective progress, linked with the government programmes. The result of this component is that 11,937 Meeting Points are listed throughout the country.

69. The creation of the Meeting Points with INAMUJER has enabled the women of Venezuela to recover their historical memory, to discuss the problems and to seek solutions to the most deeply felt needs of their communities, to weave networks of solidarity against domestic violence and to develop economic projects in order to fight against poverty. For example:

- The text of the Constitution is distributed, so that it can be discussed and interpreted at all levels of society, thus bringing about the participation of all citizens, male and female, in neighbourhoods, municipalities, states and at national level. The aim is that women should be aware of their rights and the relevant laws and should demand that they be observed, taking their proper role as active participants in this process of change.
- The unity in diversity of the women's movement is promoted, accepting our differences, joined together in our objective of achieving social equity.
- Participation of women in national debates is promoted, as they relate to social security topics, sexual and reproductive rights, gender violence, and domestic work. The intention is that these topics should be addressed at national level, not just by the members of the National Assembly but by society as a whole.

70. Article 8, subsection 7, of the Violence against Women and the Family Act has as its mandate "to record the specialized non-governmental organizations... preventive and monitoring efforts and efforts to execute measures to provide support and treatment to the victims...". Similarly Article 135 of the Organic Law on Public Administration (Official Gazette No. 37 305, 17 October 2001) notes in its second paragraph that "...the public administrative organs and bodies shall promote citizen participation in public administration".

71. To enable their participation in the consultations on the policies and rules to regulate the sector concerned, each public organ or body is required to draw up a register of the organized communities and the public non-governmental organizations whose aims relate to that sector and who freely request to be listed.

72. Consequently, 72 women's non-governmental organizations for the defence of their rights have been recorded in INAMUJER's database between July 2000 and the present.

Article 8

73. Involvement of women in the foreign service, with regard to any posting or appointment of diplomatic personnel, is governed by the Foreign Service Act which entered into force on 6 August 2001. This Act gathers incorporates the fundamental values laid down in the Constitution of Venezuela and stresses gender equality, non-discrimination, and that assignments and appointments shall be made on the basis of the officials' merits and experience, regardless of their sex, race, skin colour, social standing, and so on.

74. The new Foreign Service Act seeks to preserve the union of the family, as prescribed by the Constitution of the Republic, and thus allows male and female diplomatic personnel who are married to be posted to the same country.

75. Of the diplomatic posts outside the country, 46.4% are held by women. In 2002, a woman was appointed as the Permanent Representative of Venezuela to the United Nations and the World Trade Organization. In Venezuela's overseas diplomatic missions in 2004 there are:

- Ambassadors and charges d'affaires a.i.: 25 women.
- Permanent Representatives to UNESCO, UN, FAO: 4 women.
- Consuls and charges d'affaires a.i.: 16 women.

76. The 25 female ambassadors and charges d'affaires a.i. in Venezuela's overseas diplomatic missions are serving in Barbados, Belgium, Belize, Bolivia, Brazil, the Czech Republic, Costa Rica, Dominica, El Salvador, France, Greece, Grenada, Honduras, Hungary, India, Italy, Jamaica, Morocco, the Philippines, Poland, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Spain and Uruguay.

77. The 16 Consuls and charges d'affaires a.i. in Venezuela's consular missions are to be found in: São Paulo, Montreal, Bucaramanga, Cartagena, Medellin, Hong Kong, Madrid, Chicago, Houston, New Orleans, New York, Milan, Naples, Aruba, Bonaire and Funchal.

78. Between the year 2000 and the present, Venezuela has participated in 25 meetings at international level, all dealing with matters of concern to women, in bodies such as ECLAC, the Inter-American Commission of Women, the Commission on the Status of Women, and others.

Article 9

79. The Constitution of the Republic of Venezuela makes explicit the full equality of rights between men and women in all fields including in relation to the nationality of children (Article 32). With regard to the acquisition of nationality, there is no limitation beyond that established in Article 33 of the Constitution, which stipulates that a Venezuelan man or woman married to a foreigner may lay claim to this right once a period of five years or more has elapsed after the marriage.

Article 33. Venezuelan nationality is granted by naturalization to:

1. Foreign men or women who obtain a naturalization card. To that end they must have a domicile in Venezuela, and have been uninterruptedly resident there for at least ten years, immediately prior to their application.

2. The period of residence shall be reduced to five years for men and women whose original nationality was from Spain, Portugal, Italy, or countries of Latin America and the Caribbean.

3. Foreign men or women who enter into marriage with Venezuelan women or men and who declare their wish to be naturalized, once at least five years have passed since the date of the marriage.

4. Foreigners of either sex who are minors as of the date of naturalization of the father or the mother exercising parental rights and duties over the minors, provided that they declare their wish to be Venezuelan before completing their twenty-first year and provided that they have resided in Venezuela without interruption for the five years preceding that declaration.

80. With regard to the right of children to travel on the passport of their mother or father, it is clearly stipulated in Article 392 of the LOPNA that there is no discrimination in this area. The Article states: "Children and adolescents may travel outside the country accompanied by both parents or by only one of them, but with the authorization of the other, set out in an authenticated document, or when they have only one legal guardian and are travelling in the company of that person..."

Article 10

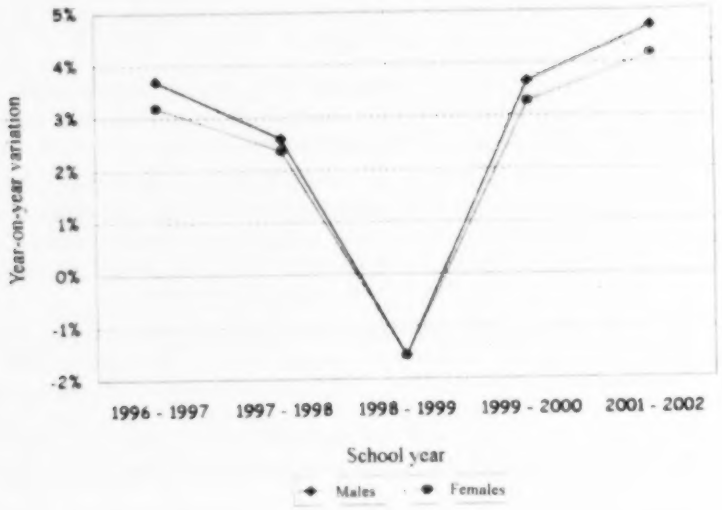
81. In Venezuela free education is guaranteed at all levels, up to the university degree and under conditions of equality for males and females. Education is compulsory from basic schooling up to the 9th year.

82. Within the educational system of Venezuela, it can be clearly seen that the student body is balanced. The proportion of boys is slightly higher from initial education to the basic level, but the situation is reversed in middle-level diversified and vocational education, where the percentage of females exceeds that of males.

83. In primary and secondary education, almost 80% of the pupil body is in basic education; 14% is in pre-school and the rest is in diversified and vocational education. At this level, 57% of the students are female. In basic education, there is a slight preponderance of boys over girls.

84. The rate of variation from year to year in basic education shows greater growth for boys than for girls. It is also noteworthy that the rate of growth in the past two years is higher than in the years 1996-1998 (Graph No. 1). Finally, the drop in student numbers in the year 1998-1999, although this is no justification, is typical of electoral years.

Graph 1
Rate of participation in basic education
2000-2001

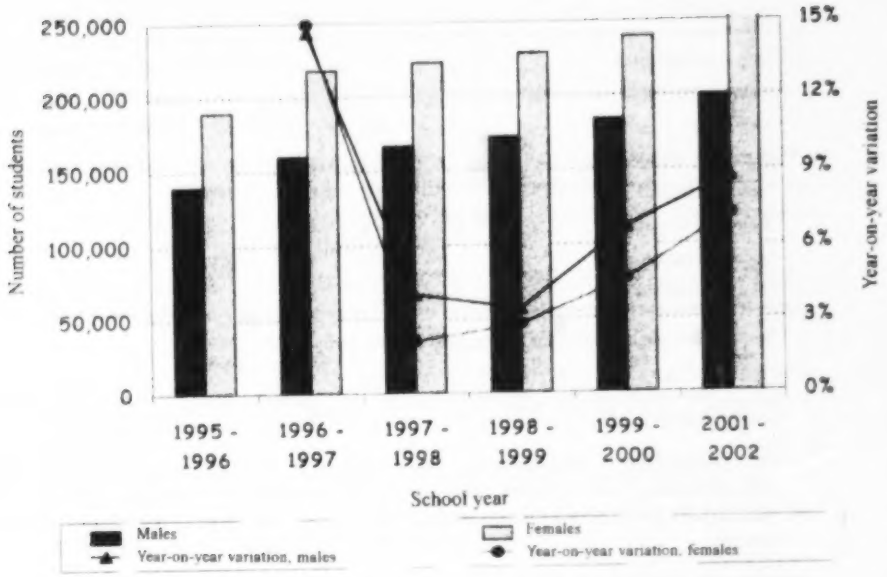


85. It may be pointed out that the student body, proportionally speaking, is in balance as between boys and girls. One positive aspect is the significant increase in student numbers since 1999.

86. The numbers attending pre-school education show a pattern similar to that described above, although with more pronounced variations. There was a 2.6% drop in pupils in 1998, but the rates of growth in the following years were over 8% and 4% respectively.

87. By contrast with the pre-school and basic levels, in the diversified cycle the number of girls attending is greater than the number of boys, with approximately 57% of the students being female. The rate of growth in the diversified cycle is higher than at the other educational levels. The number of female adolescents is higher, by 50,000, than the number of male adolescents (See Graph No. 2).

Graph 2
Rate of growth in the diversified cycle



Source: Ministry of Education [2000-2001].

88. In the diversified cycle it can be observed that females stay in education longer than males. This situation would appear to have to do with the entry of males into the labour force.

89. In special education in the years 1999-2000, out of a total of 67,883 persons, 40,841 were males and 27,042 females.

90. When it comes to specialities and careers, as is stipulated in the Constitution, the rules and conditions for entering mid-level diversified education or vocational training are identical for males and females. However, participation by female adolescents is impacted by family stereotypes, attitudes and opportunities for study in the local, regional and national context.

91. The statistics for the years 1989-1990 to 1998-1999 indicate that young adolescent women tend to go into humanities-related and commercial careers, with few of them going into industrial sectors. However, there was an increase in the latter area in the years 1998-1999, with 159,678 women as against 114,819 men. This trend is maintained at university level, but with the passage of time there is a steady increase in the numbers of women entering military, technical and engineering careers.

92. The findings of the National Institute for Educational Cooperation (INCE), show an increase in the participation of women, both young woman and adults, in its

vocational training programmes. In 2001 the proportion was 53%, in 2000 51.3% and in 1999 51.8%.

Participataion of women in technical training

Programmes	1996	1997	1998	1999	2000	2001
Industrial and craft	17%	18%	19%	22%	21%	25%
Commercial services	73%	72%	73%	73%	73%	-
Agriculture	43%	35%	39%	39%	44%	-
Training - insurance	67%	64%	64%	63%	66%	67%
Training - health	77%	81%	71%	72%	70%	72%
Training - business	43%	44%	45%	47%	48%	49%
Occupational training	51%	58%	57%	61%	64%	62%
Micro-enterprises		65%	46%	43%	47%	51%

Source: National Institute for Educational Cooperation (INCE). 2001.

93. The table shows an increase in the participation of women in technical training, in the industrial and craft areas, from 17% in 1996 to 25% in 2001.

94. Venezuela is implementing the complementary programmes of food support and communal care centres, these being of considerable assistance to the women who are in paid employment, as well as to those who are in conditions of extreme poverty.

95. The number of children benefiting from food support, in the basic education programmes, under the Single Social Fund and in the communal care centres has been increasing, from a total of 1,396,293 children of both sexes up to the age of 14 in the period 1999-2000 to 2,051,933 in 2000-2001 and 2,649,816 in 2001-2002.

96. Between 1999 and 2002 there was a substantial increase in the budget for the communal and day care centres. In 1999 it was VEB 53 billion ($27,604,160), covering 150,000 beneficiaries of both sexes and the monthly amount spent on each boy and girl was VEB 13,633 ($7.10). In the year 2000-2001, the budget was VEB 89.91 billion ($46,354,166), covering 200,000, and the monthly amount spent on each boy and girl was VEB 22,000 ($11.46). In 2002, the budget was VEB 214.30 billion ($111,458,330), covering 600,000 beneficiaries of both sexes, and the monthly amount spent on each boy and girl was VEB 28,000 ($14.58).

97. It may also be noted that an examination was conducted in 1995 of the content of 231 school texts, when it was discovered that the language and images used, and the values communicated, reflected discriminatory attitudes towards women and reinforced their subordination in the social context. These results were made known through conferences and forums for the government bodies responsible for the education sector, intended to promote changes in educational texts and other materials, and in the practices of communication of knowledge. To this end, the second phase of the Educating for Equality programme has been included in the curricular content of basic and mid-level education. The programme has been implemented in cooperation with the Ministry of Education, Culture and Sport, with the aim of incorporating gender equity in school texts and other educational materials.

98. At the present time a broad discussion is going on with regard to a new design for the curriculum, as provided for – and given legal support - in the strategies in the outline of the 2001-2007 Economic and Social Development Plan. In this process, mechanisms are being advanced to promote equality between the sexes, to integrate the gender perspective into the curricular content and the study methodology, giving recognition as was noted above, throughout the education system to the full citizenship of women, indigenous peoples of both sexes and Afro-descendants of both sexes. Workshops have been held to this end, attended by both governmental and non-governmental representatives.

99. The reform of the curriculum in initial education is based upon a document produced in 2001, which stresses the holistic and comprehensive vision linking the process of learning into a coherent whole, taking as its starting point the integration of being, doing, knowing and living with others.

100. Sex education has been incorporated as a fundamental topic in this reform, with the drafting of a guide intended for the teachers and covering the following topics:

- Sexual identity; infant forms of sexual behaviour; questions asked by children relating to sexual and reproductive anatomy, pregnancy and birth – suggestions to the teacher
- Differences between boys and girls; differences between men and women
- Sexual abuse of children; how to prevent it; guidance; where to report it, the Organic Law on the Protection of Children and Adolescents
- HIV/AIDS; how it is transmitted; measures to prevent it; strategies to take care of children affected by HIV/AIDS; respect for the rights of people living with HIV/AIDS
- Respect between men and women, boys and girls; importance of the father and the mother in the care of the newborn; roles of the man and the woman in the family; relations of respect and equity in the family.

101. In 2004, INCE in conjunction with UNFPA is incorporating training in sexual and reproductive health in the missions (Barrio Adentro, Robinson, Ribas, Sucre and Vuelvan Caras). The result will be a million men and women who have received training in sexual and reproductive health.

102. In its first country programme, 2003-2007, UNFPA is carrying out:

- The Sexual and Reproductive Education programme for the National Armed Forces, with the objective of educating about and promoting sexual and reproductive health in the students at the various schools and institutes, as well as in the enlisted men and women of the armed forces. Additionally, the topics of sexual and reproductive health are being included in the officer training programmes and military training centres, as well as in training for the personnel of the health services, commandants of the schools and non-commissioned officers.
- Education on sexuality and sexual and reproductive health, implemented in cooperation with INCE, to provide training to the instructors on the long-term courses in the prevention of STIs and HIV/AIDS and gender-related violence.

- Education on Sexuality, Reproductive Health and Gender equity: a project which is being carried out with the Ministry of Education, Culture and Sport with the objective of strengthening educational programmes and plans on sexuality and gender equity in all forms of education at the initial and basic levels.

103. It is important to point out that the legal protection of the right to education of adolescents who become pregnant while still enrolled in education is clearly laid down in Resolution No. 1762, of 9 October 1996, Article 2 of which states: "Allowing a pupil to enter or to remain in an educational establishment shall not be made conditional on the fact that the pupil is repeating a year, pregnancy, conduct or discipline, belief, civil status of the parents, uniforms, school equipment or any other limitation which is not established by law."

104. The present government, with a view to resolving the problem of exclusion from education of the poorer sectors, has created State schools that do not require any payment by the pupils, resulting in an increase in the number of boys and girls enrolled in the education system.

105. The State school construction project has brought about the renovation of more than 3,000 schools between 1999 and 2004, the construction of 1,064 new educational establishments in the year 2001, and the commencement of work to build 983 new schools. The goal is to complete the building and rehabilitation of 22,000 educational establishments throughout the territory of the Republic by the year 2007. The result has been a reduction in school dropout, with the number enrolled increasing over those three years by more than 1,300,000 pupils of both sexes.

106. The comprehensive education which is offered by the State schools is complemented by an ongoing programme of sex education, with assistance from the Ministry of Health and Social Development, which lays stress on the proper regard for sexuality to prevent sicknesses such as HIV/AIDS or sexually transmitted infections (STIs), adolescent pregnancy and domestic violence, with the aim of promoting the exercise of a sexuality which is responsible, healthy and complete.

107. By the year 2003 the goal which had been set for the participation of educational actors and institutions had been widely surpassed. In place of the 500 schools and 207,763 participants (149,436 male and female pupils from pre-school and the first and second stages of basic education, 8,317 male and female teachers and 50,000 representatives) initially expected, the programme involved 1036 State schools and 221,342 participants (12,653 multiplier teachers, 158,686 pupils from pre-school, and the first and second stages of basic education and 50,000 representatives). Additionally, this programme was made widely known through the preparation of short information spots for television and distribution of 40,000 leaflets on the subject of AIDS prevention.

108. In order to extend the benefits of the sex education programme within the State schools, an agreement was signed, in 2003, between the Ministry of Education, Culture and Sport and the United Nations Population Fund. This project, entitled Education on Sexuality, Reproductive Health and Gender Equity, will last for three years. The purpose of this project is to assist in providing comprehensive training of the pupils of both sexes at the various educational establishments for the full and responsible exercise of their sexual and reproductive rights. The first ten months of

this project have seen the holding of eight refresher workshops on sexual education for the central and regional technical team of the Ministry of Education, Culture and Sport, as well as educational workshops on sexuality and gender equity.

109. According to the 2001 census of population and housing, the rate of illiteracy in the population aged 10 and over went down from 9.3% in 1990 to 6.4% in 2001.

110. Between 1990 and 1998, 73,649 in Venezuela persons became literate through the official programme of the Ministry of Education, and a further 3,299 through private educational programmes. Considering these numbers, the Ministry of Education, Culture and Sport designed the National Literacy Plan, starting in 2000 with the National Literacy campaign, which stimulated interest in this area, but did not live up to expectations, bringing literacy to only 19,621 persons in two years. Over the same period, private education brought literacy to 1,621 persons. The causes for the low levels of success include the slowness of the administrative structure and the bureaucratic apparatus, as well as a lack of widespread participation by society in such programmes.

111. In the light of this situation and a figure of a million and a half illiterates, the Government of Venezuela undertook to eradicate illiteracy within a short period of time. To that end, the project known as Misión Robinsón began in July 2003.

112. The project took as its goal the provision of literacy to one million persons within the period July 2003 - July 2004. It was directed towards the rural, indigenous, prison, handicapped and urban populations, with particular attention to gender considerations, with the firm intention of eradicating the condition of exclusion associated with illiteracy and promoting the incorporation of citizens of both sexes in the full enjoyment of the rights enshrined in the National Constitution.

113. The Misión Robinsón project did succeed in achieving the goal of bringing literacy to a million people in six months (July to December 2003) although the intention had been to reach the target in a year. Consequently, the project was extended, with two objectives: to eliminate illiteracy by July 2004 and to persuade those persons who had been taught to read and write through the Misión Robinsón II to continue education up to the sixth year.

114. The legal foundation for the Misión Robinsón is to be found in Article 103 of the Constitution, which guarantees the right to education to all Venezuelan citizens, of either sex, in the World Declaration on Education for All (Jomtien 1990) and in the Framework for Action of the World Education Forum on Education for All (Dakar 2000) in which it was agreed by consensus to "achieve a 50 per cent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults."

115. The Misión Robinsón project was implemented through actions coordinated among the Ministry of Defence, the Ministry of Education, Culture and Sport, the National Institute for Educational Cooperation (INCE), and the National Institute for Youth.

116. As a consequence of the success of the Misión Robinsón, it was submitted to UNESCO, by the Republic of Venezuela, for 2004 International Literacy Prize, which has as its slogan "Literacy and Gender".

117. According to a report presented by the 2004 National Commission on Literacy, recently, out of a total of 1,098,051 persons taught to read and write, 55% were women and 45% were men.

118. Out of the indigenous population taught to read and write, 55% were women and 45% men, and among the prison population the figures were 4% for women and 96% for men.

119. The project entitled Misión Ribas was created in 2003 by the Government, with the objective of ensuring that all Venezuelans of both sexes complete secondary education, through the fostering of a new national educational project setting out systematically to democratize education within a framework of national integration, guaranteeing access to an educational system of quality for Venezuelans of either sex and any age. Of those members of the population that received benefits from this undertaking, 55% were women.

120. The Ministry of Education, Culture and Sport, through the Directorate for Adult Education, presents a wide range of educational options which cover basic education, mid-level diversified education, vocational education and training, with access to higher education for young persons and adults, combining flexible strategies of formal and informal education, so as to provide a guarantee of access for young people and adults of either sex to the nation's development on the personal, work-related, community and economic fronts.

121. In order to meet the goals in adult education the following lines of action have been established:

- Basic education linked to literacy and to training for work which is given in community development educational centres, in the industrial, commercial and services fields.
- Mid-level diversified education, which is provided to adults, enabling them so pursue studies in the sciences and the humanities in educational establishments both official and private, as well as through the option of distance learning and the free study evaluation strategy.
- Mid-level vocational education which is given in educational establishments in accordance with the standards covering the following specialities: industrial, commercial and services, administrative, security and defence, social development and health service, agriculture and stock-raising, and art. In each one of these different specialities various topics are covered in line with the needs of by each region, and the diploma of Medium-Level Technician, equivalent to a high school leaving certificate, is granted, enabling the adults to enter the work force or to continue their studies in higher education.

Article 11

122. Access to employment is one of the points covered by the Government of Venezuela within the segment of the 2001-2007 Economic and Social Development Plan which is aimed at achieving social justice and which considers the struggle against social inequalities and poverty to be an ethical imperative. This social and political model has been named the Systemic Development Model for Venezuelan Society, and it responds to an inclusive vision of all of society. Implementation of it in practice demands democratic participation, under shared responsibility, of all

sectors in all spheres. By way of shared and simultaneous activity it is intended to disperse and decentralize decision-making in order to take the dynamic of change to the nation as a whole, over all of its territory.

123. This approach is supported within the legal framework set forth in the Constitution of the Republic of Venezuela, which lays down provisions to guarantee, by way of simultaneous action by public bodies and the population, egalitarian treatment in aspects such as: health, education, social security and citizenship, work, housing, participation in society, and so on. The intention is that the country should be led towards maximization of collective wellbeing, widening of democracy, greater social security, growing sources of work, high national value added, a better standard of living for the population and enhanced sovereignty of the country. Among the constitutional provisions underlying this policy, mention may be made of:

> Article 86: "All persons shall have the right to social security as a public service offered without profit motive, to guarantee health and ensure protection in the events of maternity, paternity, or illness. The State shall have the obligation to ensure that this right is effective, by creating a system of universal and comprehensive social security, financed on a basis of solidarity".
>
> Article 306: "The State shall promote the conditions for comprehensive rural development, for the purpose of generating employment and guaranteeing an adequate level of wellbeing to the peasant population, as well as its inclusion in the development of the nation. It shall also promote agricultural activity and the optimum use of the land by providing infrastructure projects, inputs, loans, training services and technical assistance."

124. The right to work as an inalienable right of all human beings is laid down in Article 87 of the Constitution of the Republic of Venezuela, which states "All persons shall have the right to work and the duty to work. The State shall guarantee the adoption of those measures which are necessary to ensure that all persons are able to have a productive occupation which provides him or her with a decent and respectable existence and guarantees to him or her the full exercise of that right. It is the purpose of the State in this area to promote employment. The law shall adopt measures directed towards guaranteeing the exercise of the work-related rights of self-employed male and female workers. The freedom to work shall not be subjected to any restrictions other than those that the law establishes."

125. Reference may also be made to Article 88: "The State shall guarantee the equality and equity of men and women in the exercise of the right to work. The State shall recognize housework as an economic activity which creates added value and produces wealth and social well-being. Housewives shall have a right to social security in accordance with the law".

126. With reference to the same opportunities for employment and to the selection criteria, Articles 26, 632 and 381 of the Organic Law on Work prohibit examining a woman to determine if she is pregnant before giving her a contract to work and stipulate the penalties applied to any person infringing the provisions which protect motherhood.

127. The legislation of Venezuela guarantees the right to select a profession or employment, the right to advancement, to stability in employment, to benefits and to

other conditions governing labour relations and embodying constitutional rights enshrined in Articles 87, 88 and 89 and in Article 2 of the Organic Law on Work.

128. The right to equal remuneration is laid down in Article 91 of the Constitution of the Republic of Venezuela: "...Payment of equal remuneration for equal work shall be guaranteed". This right is also set forth in Convention No. 111 of the International Labour Organization, ratified by Venezuela on 3 June 1971.

129. The right to social security, to health protection and to safe working conditions constitutes one of the principles governing labour relations, and is also enshrined in the Constitution of Venezuela, in its labour laws and in international conventions ratified by the Republic. The right to social security as a right of all persons includes those who are not capable of making a contribution, since the social security system is not related uniquely and exclusively to a person's working activity.

130. Working women who become pregnant are covered by the maternal privilege of protection from dismissal for up to a year after the birth (Article 384 of the Organic Law on Work, Convention No. 3 of the ILO, Article 4).

131. Articles 97, 103 and 385 of the Organic Law on Work and Convention No. 3 of the International Labour Organization, ratified by the Republic on 20 November 1944, are centred around the principle that pregnant women may keep their jobs and that their right to social security shall be protected. Currently, ILO Convention No. 183 on maternity protection has been placed before the National Assembly for its consideration.

132. Motherhood and fatherhood are completely protected under Article 76 of the Constitution of the Republic of Venezuela. The labour legislation provides protection to women during pregnancy, stipulating that if faced with activities which are hazardous to pregnancy the worker may decline to perform them, under the provisions of the Law on Work, of ILO Convention No. 103, of subsection (b) of the sole paragraph of Article 236 and of Article 384, as well as Article 16, subsection (b) and Article 18 of its implementing regulations.

133. With regard to the conditions of protection for pregnant women in regular work, Chapter VI of the Organic Law on Work, which was promulgated in December 1990 and entered into force on 1 May 1991, has replaced the earlier heading of "Protection of Women and Minors" with "Protection of Motherhood and the Family", and enshrined the following advances:

- The period laid down for maternity leave is extended to 12 weeks following the birth.
- Female workers who adopt a child less than three years old, are entitled to maternity leave for a period of two months, starting from the arrival of the child.
- During breast-feeding, women shall have the right to two half-hour breaks per day in order to feed their children in the company's nursery.

134. A pregnant woman may not be transferred from her place of work, and enjoys immunity from dismissal not only during pregnancy but for up to one year after the birth.

135. A further legal instrument covering the working situation of women in Venezuela is Decree No. 2506 of 27 August 2002, which regulates the forms in

which employers may comply with their obligation concerning comprehensive care of the children of workers of either sex. The President of the Republic has stipulated, by Decree, the implementing regulations for the Organic Law on Work, as relating to the comprehensive care of workers' children, laying down that: "Any employer who employs more than twenty (20) workers shall be obliged to maintain a nursery in which the workers can leave their children during the working day. Special Resolutions implementing this Act shall lay down the minimum conditions for the establishment of nurseries and appropriate notices shall be given to ensure that the purposes for which they have been created are fulfilled."

136. In the 2001 census the net rate of participation in the labour force was 55.1, in other words, out of every 100 persons aged 15 or more, 55 declared themselves as being a worker, (whether currently employed or unemployed). In the 1990 census this rate had been 55.4. On the gender front, the increase in the participation of women in economic activity is noteworthy. The rate for women's participation in the labour force went up from 33.8 % in 1990 to 37.5% in 2001, while the rate for men went down, from 77.6% to 73.5%. These changes, according to the National Statistical Institute (INE), have already been observed in societies in which enrolment of the population in the educational system has increased and, in consequence, more women are included in the labour force.

137. In February 2002 a rate of unemployment[6] of 15% was recorded, amounting to 1,710,643 persons. The unemployment rate broken down by sex was greater for women, at 17.2%, than for men (13.6%.)

138. For this same period, out of the total female population aged 15 and over, estimated at 8,313,152, 53.7%, representing 4,472,424 people, were in the workforce, of those, 82.8% were employed, while 17.2% (769,277) were unemployed; the total recorded as ceasing work was 691,709, (15.5%); the total recorded as seeking work for the first time was 77,568 (1.7%). The percentage of women unemployed, or not forming part of the work force, was 46.2%, equivalent to 3,840,728 individuals. Of these, 2,619,276 were housewives (more than 68.19%).[7] In the official data issued by the National Statistical Institute of Venezuela, non-remunerated housework carried out by women is not considered as an economic activity, despite the value added that it produces within Venezuela's household economy, and despite its being recognized by Article 88 of the Constitution of the Republic of Venezuela.

139. In the case of men, for the same period, out of the total population aged 15 years and over, totalling 8,285,943, 83.3% or 6,904,703 were in the workforce, and of those, 86.4%, or 5,963,337, were employed, while 13.6% or 941,366 were unemployed; the number ceasing work was 12.9%, or 891,505 and those seeking work for the first time totalled 0.7%, or 49,851. The percentage of non-working men was 16.7%, or 1,381,240 individuals.

140. Some of the findings relating to the above include the following:

[6] Report of the National Statistical Institute, February 2002.

[7] The indicator "Rate of persons not working" has to be modified taking into account Article 88 of the Constitution of the Republic, relating to the recognition of the economic value of housework.

- Out of the population aged 15 years and over, females exceed males by 27,209. However, in the workforce, men exceed women by 29.6%. This indicates the continued existence of social conditions which favour men's access to work over women's.
- In the total of the population in the labour force, the percentage of men employed exceeds the percentage of women employed by 3.6%. In the classification "Seeking work for the first time," females exceed males by 1%.
- Within classification "Persons not working," women exceed men by 29.5%, however the method of processing these data has to be revised since, as pointed out earlier, the National Statistical Institute of Venezuela includes housewives and domestic workers in its definition of that classification.

141. The socio-economic crisis which Venezuelan society has lived through in recent decades has put a brake on productive activity and significantly increased levels of unemployment, with women making up one of the groups to have suffered most.

142. This situation has impelled the Government to engage in efforts to solve the problems of people without work, and it has determined to make a priority of developing the project Mision Vuelvan Caras, as a strategic tool which will provide guidelines with a view to resolving this group of problems.

143. The project Mision Vuelvan Caras is a programme of human development, designed to be both sustainable and endogenous. It prepares men and women to be able to recognize what resources there are in their regions and make appropriate use of them. This will result in more sources of employment within the communities, with the opportunities being seized by the members of the communities themselves. The objective is to incorporate citizens of both sexes into the economy of each region of the country in order that they will:

- Achieve development on both the personal and the community levels
- Convert their own resources so as to produce new sources of employment
- Interact with both nature and technology
- Preserve the environment and make appropriate use of it
- Develop the regions of the country
- Raise their standard of living.

144. In 2004, Venezuela saw the initiation of more than 40 endogenous development centres, in line with the needs of each region.

145. With respect to the households headed by women and their situation within the labour force, official figures show that in the first half of 1995, the total of households with only one head was 1,174,486. Out of this total figure, 843,281 of the heads of household were women. Seven years later, in the second half of 2002, the number of female heads of household had grown by 14%, to reach 1,213,674. Out of this number, 768,282 women were within the employed labour force, 691,341 [some words missing?] of which 688,436 received remuneration for their work, and 2,905 were working as family helpers. Similarly, out of the total figure of women heads of household (1,213,674), 76,941 counted themselves as unemployed, with

this number breaking down as follows: 74,540 were ceasing work and 2,401were seeking work for the first time.

146. For this same six-month period in 2002, out of the total of female heads of household 445,392 were out of the labour force, with this number breaking down as follows: students 7,276, women doing housework 331,648, handicapped 23,649, others 82,819.

147. In those cases in which female heads of household are not included in the labour force, they are recorded primarily as "doing housework".

148. The phenomenon of women as heads of household is common in the poorer segments of the population. This creates a critical situation, where the woman is of meagre resources, since it means that she has to work excessive amounts of time in order to be able to secure the minimum income required in order to maintain the members of her family. Care of children is also a factor which limits the opportunities open to poor female heads of households; additionally the high proportion of adolescents and children in these households makes it difficult for mothers to go back to work.

149. Whether or not the female head of household works outside the home, she continues to perform unremunerated domestic tasks, which are not considered as placing her within the labour force. However, as pointed out above, Article 88 of the new Constitution of the Republic of Venezuela does recognize the economic value of domestic work.

150. In order to slow down the impoverishment of the population in general and of its female half in particular, resulting from the conditions described above, starting in 1999 the Government of Venezuela has implemented a series of social equity and equality measures:

- Creation of the Power to the People Bank, which is an entity set up to grant microloans to the population of Venezuela, based on solidarity, in order to assist in the economic and productive development of male and female micro-entrepreneurs. Thousands of families who live off the production of crafts have been assisted by the programmes of the Power to the People Bank. In the period between 1999 and 2001, a total of 10,111 loans amounting to VEB 2,502,440,000 ($1,303,354) have been granted. Of these, 57%, or 5,816 loans, have gone to women.
- Creation of the Women's Development Bank. Between its establishment in 2001 and 2004, the Bank has approved some 40,000 loans, 96% of them for women.
- Creation of the Microfinance Fund. Between 2001 and 2003, the fund granted 3,235 loans to women, resulting in the creation of 5,775 direct jobs and 10,895 indirect ones.
- Creation of the Community Kitchen Programme, a programme of the National Food Institute, in order to help those women lacking in the relevant capabilities and located in the poorer areas. This programme is aimed at combating malnutrition, and in the future the kitchens will evolve into women's micro-enterprises. To date, the programme has provided assistance to 15,846 pregnant or breast-feeding women in 10 different federal administrative

units, according to figures from the Ministry of Health and Social Development

- Creation of Mercal. The Misión Mercal, under the Strategic Plan for Food Security, is a national-level network for supply, distribution and sale of the basic basket of food, at low cost, among low-income segments of the population. The object of this mission is to allow consumers to obtain essential basic products, at fair prices, by eliminating the distribution chains which make them extremely expensive. Of the people assisted, 57% were women.

151. The National Women's Institute has organized the Interinstitutional Forum on Promotion of Equal Opportunities for Men and Women at Work. Out of this activity emerged a series of interinstitutional workshops, attended by labour leaders and women working within the informal economy, intended to raise awareness of the problems of working women and widen knowledge of the legal regulations covering them.

152. With a view to assisting in overcoming the feminization of poverty, the United States Embassy and the Foundation for the Promotion of Women ran three micro-enterprise workshops in 1999, one each in Caracas and in the states of Vargas and Miranda.

153. INAMUJER has established a strategic alliance with the Power to the People Bank, through the line CREDIMUJER under which it has granted 70% of solidarity-based loans (150 loans) to women to enable them to set up their own economic initiatives with some certainty of success and without indebtedness. In all, 30% of these loans have gone to rural and indigenous women.

154. In addition, INAMUJER has set up a Technical Labour Board, comprising eight representatives of government bodies providing assistance to rural, indigenous and peasant women. The Board has developed programmes directed towards this sector of the population with the aim of stimulating the participation of women from the rural areas, coordinating efforts with policy-making bodies dealing with rural areas, in order to align their work as closely as possible; and establishing mechanisms for interaction between the peasant and indigenous women and government agencies.

155. In addition, INAMUJER channels what women need to be employed, through its Points of Encounter, providing guidance on preparation of their economic projects in line with the requirements of the financing bodies. The Women's Employment Plan contributes to overcoming poverty, through the implementation of related activities such as:

a) Creation of a network of information on employment for women with the government and non-governmental sectors and with private companies, by agreement with the Ministry of Science and Technology.

b) Promotion of work-related training for Venezuelan women with a gender strategy, which prepares them for employment, from personal motivation to understanding the various aspects of employment, with a view to turning work into an undertaking of empowerment and social fulfilment. This training also covers the supply of employment and considers the changes which have occurred in the structure of the demand for employment, in order to prepare the women to use the most modern technological working skills.

c) Training of women in important aspects of sexual and reproductive health and reproductive rights as an important condition for them to be able to join the labour force on a footing of equality. This includes:

- Strengthening of women's access to economic and financial resources and to technology, in order to incorporate women fully into the labour market
- Development of training and capacity-building programmes with a view to redirecting the female labour force towards non-traditional activities
- Distribution of information on access to loans and the use to be made of them in productive activities.

Article 12

156. The Ministry of Health and Social Development (MSDS), within the framework of the 2001-2007 Strategic Social Plan, has undertaken the ethical and political commitment to face up to the accumulated social deficit. Health is viewed as a civic right of all men and women, and the social policies include the generation of awareness concerning health protection. The policies also include actions at the local level aimed at improving living conditions, and at providing universal access to quality services, with particular emphasis on children, adolescents, women, indigenous women, older persons and the handicapped. The intention is to help towards reducing the wide gaps in society as is laid down in the principles of the Carta Magna.

157. The approach of the Comprehensive Health Care Model, based on the network of out-patient services, is to mainstream the gender approach, and to take the sociocultural component into account in each of the programmes which are implemented in the field of health care. At the current time the model is operational in 20 federal administrative units, in which strategies of primary, secondary and tertiary intervention have been developed.

158. Underlying the Comprehensive Health Care Model within the Directorate for Research and Education is a view of "the interaction between the health team, the patient, his or her family and environment, promoting health, preventing illness or injury, in which the biological combines with the social, the individual with the collective." For this reason programmes are being relaunched with a gender approach, placing emphasis on the factors which are protective of life. This strategy makes it possible for women to acquire knowledge through non-formal education, which is an undertaking being pursued in the health establishments through training of community groups, including projects such as:

- Active participation in the Health Board
- Women for Life groups (prevention of cancer and other diseases)
- Care-giving mothers
- UROC mothers (volunteer women who, having received training, take care of children with problems of diarrhoea)
- Training of groups of adolescents and workshops on responsible sexuality
- Healthy Maternity Homes: these are establishments set up for peasant mothers and intended to help reduce maternal and infant morbidity and mortality, the

incidence of low birthweight, and the number of high-risk pregnancies, and to promote breast-feeding by mothers.

159. With the aim of strengthening primary and secondary care, the MSDS is reactivating public health programmes: vaccination, antenatal monitoring, diagnosis and prevention of cancer, and management of sexually transmitted diseases. The services that the out-patient establishments can offer have diversified, and now include the handling of paediatric emergencies and emergencies in adults, and assistance at childbirth. Additionally, they have established a comprehensive care strategy, especially for women and children, and maternal and infant care, in order progressively to reduce the high rates of maternal and child morbidity and mortality.[8]

160. As part of its policy of strengthening primary health care, in 2003 the National Government set up the project Misión Barrio Adentro as a set of cross-cutting policies intended to raise the quality of life of the most excluded sectors by promoting social and community organization. This is being done through building networks in society relating to health, education, food, economy, social matters, sport, recreation and culture. Of the population who gained benefits from this mission, 55% were women from the sectors most lacking in economic resources, and the project has made a definite contribution to improving the quality of life of those women and their families.

161. Two components of the Misión Barrio project are the Proyecto Vida and the Proyecto Delta.

The Proyecto Vida comes about as a result of the reorganization and reinforcement of the Committee for Prevention and Management of Maternal and Infant Mortality. It is directed towards the 16 federal administrative units, and is being implemented in 26 municipalities selected as priorities owing to their high numbers of maternal deaths: Aragua, Apure, Anzoátegui, Barinas, Bolívar, Carabobo, the Capital District, Delta Amacuro, Falcón, Miranda, Mérida, Monagas, Portuguesa, Táchira and Zulia. The purpose of the Proyecto Vida is to reduce maternal and infant deaths through a strategy of improving both the quality of care and the coverage in antenatal and perinatal care, within one year. To achieve this, an investment of VEB 35 billion has been made. The specific undertakings of the project include:

At the primary level:

- Provision of iron/folic acid to pregnant women
- HIV and syphilis screening
- Treatment of STIs
- Tetanus toxoid injections
- Prevention of adolescent pregnancy and identification of risks and warning signs

[8] Conference of Women's NGOs. (2000). Evaluation of the Commitments Undertaken by the Government of Venezuela subsequent to the Fourth World Conference on Women (Beijing 1995). Beijing + 5. (1995-2000).

At the secondary level:

- Routine laboratory examinations during pregnancy
- Monitoring of foetal maturity and wellbeing
- Specialist referrals
- Provision of iron/folic acid
- Maternal medicine and care
- Preparation for childbirth
- Assistance at the birth
- Post-partum IUD insertion
- Minilap or lap surgical sterilization

The Proyecto Delta is directed towards ten indigenous communities in the Amacuro Delta suffering a situation of maximum social exclusion and vulnerability. It is a programme of comprehensive care which places emphasis on efforts to prevent and manage maternal and infant mortality.

162. The rate of maternal mortality (per 100,000 live births) in 1995 was 67.5. By 1999 the rate had dropped by 1.57, but between the years 2000 and 2002 it underwent a significant increase, namely 7.9.

Mortality Rate

Year	*Maternal mortality rate*
1995	66.7
1996	60.4
1997	59.6
1998	51.0
1999	59.3
2000	60.1
2001	67.2
2002	68.0

163. The five principal causes of maternal mortality for the year 2002 break down as follows: oedema, proteinuria and hypertensive disorders in pregnancy, delivery and puerperium 34%, other obstetric disorders 17%, complications of labour and delivery 13%, complications of the puerperium 13%, and pregnancy with abortive outcome 11%.

164. The policy on the promotion of sexual and reproductive health indicates that this increase in the mortality rate is the result of:

- The weakening of the family planning services in the country
- A lack of sensitivity, and poor quality, in the services
- Low quality of care and a lack of capacity to respond to obstetric emergencies

These aspects cannot be decoupled from the conditions of subordination to which women are subjected because of their gender, as this affects care in the reproductive process

165. The year 2002 saw the creation of the National Committee for the Prevention and Management of Maternal and Infant Mortality, the objective of which was to coordinate national and intersectoral efforts to prevent and manage maternal and infant deaths resulting from preventable causes, and to raise the quality of perinatal care. The first year of this programme saw a drop in infant mortality from 23 per 1000 live births to 17.3 per 1000.

166. The strategic approach of the Ministry of Health and Social Development includes the reduction of maternal and infant mortality due to preventable diseases. By the year 2000 there had been a reduction in infant mortality averaging two points, from 19.0 per thousand in 1999 to 17.1 in 2000. Meanwhile, maternal mortality dropped from 59.3 in 1999 to 54.6 in 2000.[9]

167. The following measures are being promoted in order to prevent maternal and infant mortality:

- Maternal breastfeeding
- Antenatal monitoring
- Family planning
- Prevention of adolescent pregnancy
- Newborn care
- Community strategies

168. The general approach to prevention and management of maternal and infant mortality includes comprehensive care for male and female adolescents, with sexual and reproductive health programmes specially customized for pregnant adolescents. Additionally, pre-conception, post-partum, antenatal and post-natal care is provided, through preventive activities, the establishment of work protocols for each case, improvement of the capacity of the services, counselling on birth control and family planning, and post-abortion counselling.

169. Currently, the Sexual and Reproductive Health Empowerment Development project is developing the maternal breast-feeding programme, which has the objective of promoting exclusive maternal breast-feeding up to the age of six months as a food security strategy.

170. Within the framework of this programme, breastmilk banks are being set up, and relevant training is being provided to their personnel, with three such banks already being operational. Additionally, breastmilk is being provided to the children of seropositive mothers under the National STI/AIDS Programme.

171. For the period 1992 to 1999, out of a total of 4,573 cases of AIDS infection 89.5% were men and only 10.5% were women.

[9] Source: Directorate for Social and Statistical Information, Ministry of Health and Social Development.

172. UNAIDS has estimated that by the year 2001 there were 62,000 cases of HIV/AIDS in Venezuela. However, by December 2000 the National AIDS Programme of the Ministry of Health and Social Development had recorded a total of 10,571 AIDS cases, with 7,014 cases of persons living with HIV and 5,849 deaths resulting from AIDS. Mortality from AIDS has been estimated at 22.63%, on the basis of the figures for the period 1982-1999, with the case rate for this same period being 38.87%. The highest rates of morbidity are recorded in the Capital District, Zulia, Aragua, Carabobo, Miranda, Anzoategui and Bolivar.

Distribution of AIDS cases by years, cumulative from 1997 to 2002

Year	*Males*	*Females*	*Total*
1997	229	55	384
1998	257	43	300
1999	54	11	65
2000	8.584	954	9.538*
2001	1.961	218	2.179
2002	954	107	1.061**
Total	**12.103**	**1.388**	**13.527**

Source: Epidemiological Records of the National STI/AIDS Programme, MSDS.

* In 2000 and 2001 data were collected systematically at national level.
** By July, only 13 federal administrative units had reported.

173. In the light of this estimate, since 2001 the Ministry of Health and Social Development has been pursuing the National Strategic HIV/AIDS Plan, as an instrument of health and social development policy, which links and coordinates organized and sustained responses, to facilitate the mobilization of financial and human resources around the actions to combat HIV/AIDS.

174. The principal components of the National STI/AIDS Plan are:

1. Acces to free HIV/AIDS treatment: as of the year 2004, the MSDS is providing free and appropriate antiretroviral treatment to 12,369 patients, representing an investment for that year of VEB 45 billion ($23,437,500).

2. Comprehensive prevention and support to NGOs working in the area: loans are granted to NGOs that have projects directed towards vulnerable groups and groups at risk. These include, in particular: pregnant women and mothers, groups of persons living with HIV/AIDS, seropositive mothers, groups of various sexual leanings, men who have sex with men, sex professionals, people recovering from sexual exploitation, etc. For this year an investment of around VEB 500 million ($260,416) is being made.

3. Epidemiological monitoring linked to the MSDS Information System.

4. Prevention of vertical transmission: comprehensive care and antiretroviral treatment are provided to seropositive mothers and their children.

5. A comprehensive prevention project, covering STI/HIV/AIDS, early pregnancy and domestic violence, carried out in 2000-2002 in Venezuelan schools.

175. Venezuela considers abortion to be a practice that jeopardizes women's health. At the present time it is the third most common cause of maternal death in the country. Performance of clandestine abortions has been increasing because many women do not have adequate access to family planning and reproductive health services. This has made it necessary to widen their coverage and enhance the efforts being made to prevent undesired pregnancies, with a view to militating against the practice of abortions. Women have succeeded in ensuring that the new Constitution of the Republic of Venezuela enshrines sexual and reproductive rights, covering protection for maternity freely chosen and the right to obtain responsible sexual education, sexual and reproductive health services and accurate information on the topic, by means of which it is intended to prevent abortion and lower the rates of female mortality.

176. Abortion in Venezuela is under-reported, owing to its illegality. According to the MSDS, between 1997 and 1999 the figure was 14%. The current policy of the MSDS is to place more emphasis on prevention of unwanted pregnancies, including emergency contraception, and appropriate and correct care to women experiencing an abortion.

177. In relation with this topic, on the legal front there is a need to implement measures to prevent the criminalizing of women and "...therapeutic care is authorized in the specific cases of pregnancy resulting from rape, incest, improper intrauterine development, whether genetic, hereditary or congenital, as well as in the case of risk to the physical and mental health of the mother" (Official Regulations for the Comprehensive Care of Sexual and Reproductive Health, 2003).

178. Protection of sexual and reproductive rights has been guaranteed with the implementation of the National Plan of Action on Sexual and Reproductive Health which was started in the year 2000, as part of the Comprehensive Health Programme of the Ministry of Health and Social Development. The Plan of Action is being implemented by the Commission on Sexual and Reproductive Health, in line with the principles of cooperation, solidarity and shared responsibility which are set forth in the Constitution of the Republic of Venezuela and define the role of the State as the guarantor of social rights. This programme formulates policies, actions and strategies on prevention and care, linkages between the various sectors and evaluation of policies and projects in the field of sexual and reproductive health.

179. Under this National Plan, a Workshop on the National Action Plan on Sexual and Reproductive Health was organized (November 2001) with support from PAHO and the Directorate for Health of the Population of the MSDS. Among the participants were representatives from the Regional Directorates for Health, UNFPA, representatives of the Conception Palacios maternity hospital, the Directorate for Social Development, Oncology Programme, Child and Adolescent Programme, and others. In addition 24 regional SRH coordinating offices have been set up in the federal administrative units of the country.

180. Strengthening of family planning services and provision of contraceptives is another of the strategies of the National Plan of Action on SRH. Free distribution of contraceptives is guaranteed as part of the right to health, and a wide variety of oral and injectable contraceptives, intrauterine devices, condoms and emergency contraception is available. As a result, family planning coverage is estimated to have increased to 43% by 2000 (PAHO, 2000).

181. Emergency contraception is included in the range of contraceptives on offer, as is stipulated in the Official Regulations on Comprehensive Care for Sexual and Reproductive Health.

182. The Official Regulations on the National Health System relating to sexual and reproductive health in public and private establishments were promulgated and recorded in Official Gazette No. 37 705 of 5 June 2003, Decree No. 364. The regulations include the following instruments:

a) Strategic guidelines on promotion and development for sexual and reproductive health: A Guide for Action.

b) Technical and administrative regulations on comprehensive promotion and development of sexual and reproductive health.

c) Procedures Manual on promotion and development of sexual and reproductive health.

d) Technical notes on sexual and reproductive health.

183. It should be stressed that the actions provided for in the Sexual and Reproductive Health Comprehensive Care Plan are oriented towards responses to specific needs as they vary with gender, stage in life, ethnicity/indigenous origin, geography and social class. To deal with this variety, innovations are presented such as: emphasis on sexual health as distinct from reproduction; care for SRH at all stages of life, (infancy, adolescence, adulthood, older adulthood), person-centred care at the delivery (liberty to choose the position for the birth and birth without violence), care for men's sexual reproductive health, promotion of sexual and reproductive rights, access to innovative contraceptive technologies and prevention of violence against women, including domestic, sexual and other forms of violence, as well as care for the victims.

184. The MSDS is developing two major projects with medium-term goals, with a view to promoting and strengthening sexual and reproductive health care:

- Promotion of care for SRH: this project is oriented towards strengthening the technical capacity of the MSDS to guarantee and raise the quality of care for SRH, by building capacities to reduce maternal mortality, offering comprehensive care for adolescents of both sexes, reducing unwanted pregnancies, domestic, family and sexual violence, and STI/HIV/AIDS.
- Establishment of the Contraceptive Supplies Logistical System (SILOCIA) to reinforce family planning services.

185. Similarly, the 1999-2004 Coordinated National Plan for the Prevention and Care of Early Pregnancy has been promoted. This programme identifies early pregnancy as a social and public health problem. Its principal lines of action are:

- Training and enhancement of the human and social capital.
- Promotion of processes of long-term sustainable human development.
- Promotion of sexual and reproductive health as a Government policy.

186. The Coordinated National Plan for the Prevention and Care of Early Pregnancy covers five major areas of action or components:

- Prevention and comprehensive care (balance between programmes and services in accordance with the provisions of the Organic Law on Protection of Children and Adolescents)
- Capacity-building (training of professionals in the areas of care and prevention and training of adolescents as agents for change)
- Research (development of an agenda for research into adolescent sexual and reproductive health in cooperation with the Ministry of Science and Technology)
- Institutional strengthening (development of the area of adolescent sexual and reproductive health and technical and policy-related reinforcement)
- Promotion and publicity (development of a strategy with innovative communication media and materials, involving participation by adolescents of both sexes).

187. With reference to the start of sexual activity, the census of the population reveals that the majority of women start having sexual relations between the ages of 15 and 19. More than half (54.2%) of initial sexual activity takes place at this age. While women aged between 20 and 24 constitute the second-largest group (24.5%) in which initial sexual activity takes place, it is noteworthy that adolescents under the age of 15 years represent the third-largest, accounting for 10.1% (CONAPEP, 1999). It is also observed among women located in less urbanized areas that the start of sexual activity may come up to two years earlier, thus placing the proportions between 2 to 3 out of 10 (2.10 - 3.10) under the age of 15 and 7 out of 10 (7.10) below the age of 19 (CONAPEP, 1999).

188. The records of the National Statistical Institute reveal an anomaly in terms of births to adolescent mothers recorded in the three-year period 1995 - 1997 (CONAPEP, 1999). The data show that while the rate for girls under the age of 15 shows very little variation, in adolescents aged between 15 and 19 years a very marked drop is observed (CONAPEP, 1999).

Article 13

189. The National Assembly is currently discussing the Draft Law on Social Security, the provisions of which include a guarantee of recognition of the socio-economic value of domestic work carried out by housewives, as is laid down in the Constitution of the Republic of Venezuela:

> Article 88: "The State shall guarantee the equality and equity of men and women in the exercise of the right to work. The State shall recognize housework as an economic activity which creates added value and produces wealth and social well-being. Housewives shall have a right to social security in accordance with the law"[10]

190. With regard to the right to obtain bank loans the Government has promoted the creation of banking entities to make loans accessible to the needier sectors of the population. To this end it promoted the establishment of strategic alliances between INAMUJER and the Power to the People Bank, the objective of which was primarily

[10] This provision enshrines the struggles undertaken by the Venezuelan women's movement.

to give priority to credit for women, as well as encouragement of female self-employment.

191. In 2001, the President of the Republic set up the Women's Development Bank, which started operations in September 2001 and is dedicated to assisting low-income women who are unable to access loans from a private bank. This entity particularly welcomes organization and shared responsibility in applying for loans, which have an interest rate which is affordable for women from the needier sectors, aligned with the index of inflation and with the Consumer Price Index, namely 1% per month, or 12% per year. Where the loans are made to rural women, the annual interest rate is 6%. The amounts of the loans vary from VEB 300,000 to VEB 500,000 ($155 to $260), as a start, which may increase progressively up to VEB 5 million ($2,600). Loans are granted under two different procedures: for associations (up to nine members) and for individuals. INAMUJER has also formed a strategic alliance with this banking institution, with the objective of being able to respond to the numbers of women of scarce resources who approach the Institute seeking funding for small enterprises. The women approaching this bank do not need any kind of authorization from their husband or partner in order to take out a bank loan.

192. Article 111 of the Constitution of the Republic of Venezuela lays down that: "All persons shall have the right to sport and recreation as activities which are beneficial to the individual and collective quality of life. The State shall adopt sport and recreation as an education and public health policy and shall guarantee the resources to promote them."

Article 14

193. In Venezuela the situation of the rural and indigenous population merits special attention. The statistical data gathered in the sample-based household census under the heading "housework" reveal that the important role of women in agriculture is kept invisible in terms of the contribution of peasant and indigenous women to gross domestic product. Nevertheless it must be recognized that they do a double day's work comprising not only their domestic activities but also productive labour in family agricultural systems such as vegetable gardens, farmyards and smallholdings, with this labour going towards feeding the members of the family group.

194. The total rural population of Venezuela in the year 1995 was 3,188,045, dropping by 2000 to 3,114,499. The estimated rural population in 2005 is projected at 3,005,927.

195. The rural population in 1995 included 1,462,774 women, with the same downward trend being maintained over the following five-year periods. The figure in the year 2000 was 1,414,103, and it is anticipated that rural women will number 1,350,435 in 2005.

196. In the light of this situation, and in response to the policies set forth in the territorial equilibrium contained in the general lines of the 2001-2007 Economic and Social Development Plan, the Government has implemented a series of measures to prevent the displacement of the inhabitants of the rural areas to the urban centres, among which the following may be noted:

- Granting of land and inputs for production
- Encouragement of both subsistence and industrial agriculture

- Increasing the population and the economic activities in the areas which are becoming depopulated
- Improving the physical infrastructure to guarantee adequate conditions of health, education, security, road and transport systems, and more

197. In the rural areas the percentage of women (27.5%) attending educational establishments of all types is lower than that in the urban areas (34.4%), but it is higher than the figure for rural men. This relationship among the three groups is repeated at the different educational levels.

198. Overall, it may be stated that the rural female population traditionally faces a situation of discrimination and marginalization. The obstacles arising out of traditional cultural patterns and situations of poverty largely prevent their participation in the wider pattern of life. The situation of rural women is one of the priorities of the present Government, taking as its legal basis the Constitution and the Lands Act, Article 14 of which gives preferential rights in land grants to female heads of household.

199. In addition, Article 17, section 4, of the Lands Act guarantees "to all rural men and women the fundamental right to pursue their material advancement and human development in liberty, with dignity and equality of opportunities. Consequently, they may not be displaced from any idle or uncultivated land which they occupy for the purposes of obtaining a grant of land, unless and until the due administrative process has been complied with by the National Land Institute".

200. As a matter of rural sector policy, the Federal Office for Agrarian Affairs has decided to encourage and promote the participation of women and to save the family vegetable garden, specifically its capacity to generate production and consumption by those working it.

201. The Project for the Development of Poor Rural Communities (PRODECOP) of the Fundación Ciara, a body attached to the Ministry of Production and Trade, applies the gender approach in all of its activities, as stipulated by the International Fund for Agricultural Development (IFAD). "To ensure the participation of poor rural men and women in the activities and benefits of the projects on an equitable basis, creating conditions necessary for this to occur by applying appropriate tools and mechanisms". The implementation of this approach includes sensitivity training and capacity-building for the technical personnel on the project, which has made it possible systematically to apply participatory tools in the operational phases of the project.

202. Similarly, during the period 1995-1999 the National Council for Women (now INAMUJER) undertook various actions which contributed to the development of women in the rural milieu. These included the development, in agreement with FAO, of bee-keeping projects of the indigenous Kariña community in the state of Sucre, the training provided to female micro-entrepreneurs with the support of FIDA-CIARA, in the states of Amazonas, Apure and Delta Amacuro, with participation by the Agricultural Delegations of those states, the organization, coordination and technical assistance in the "International Workshop Seminar on Frontier Development in Indigenous Areas", in April 1996, with the participation of indigenous representations from Colombia, Peru, Ecuador and Venezuela, and the collaboration of the members of the Venezuelan Network of Support to Rural and

Indigenous Women, under the auspices of FAO; the seminar on "Gender Policies", with assistance from FAO and from AVOFIS-Venezuela.

Article 15

203. Among the values which are listed in the Preamble of the Venezuelan Constitution, described above, one of fundamental importance for women is the right to a life without discrimination or subordination. In order to fulfil this constitutional mandate, it is necessary to adjust all our codes of law in order to express them in non-sexist language and to eliminate any explicit or tacit discrimination against women.

204. The reform which was undertaken of the Civil Code in 1982 "initiates a new concept of the law as an instrument which no longer legitimizes the existing patriarchal regimen, by eliminating the patriarchal organization of the family. We may list as the most important aspects of the reform, the establishment in matrimony of equal duties and rights between the spouses, with elimination of the authority of the husband over the wife which formerly granted the husband the right to make the decisions in all matters relating to the family, the establishment of joint parental rights and duties, and also joint administration of the common possessions. With this reform a married woman recovers her full capacity, which formerly had been diminished through her having contracted matrimony."(Articles 137 and 140 of the Civil Code).[11]

205. The Constitution of the Republic of Venezuela enshrines equality of opportunity for the women, however, Article 21, subsection 2, states clearly that a law is not sufficient on its own to guarantee the right to equality and defines positive measures to be taken in favour of persons or groups against whom there might be discrimination. As the Article states:

> "1. No discrimination shall be permitted that is based on race, sex, beliefs, or social condition, nor any that, in general, has the purpose or result of negating or diminishing the recognition, enjoyment or exercise of the rights and liberties of every person, under conditions of equality."
>
> "2. The law shall guarantee the legal and administrative conditions to make equality before the law real and effective, shall adopt positive measures in favour of persons or groups who may suffer discrimination or be marginalized or vulnerable, shall especially protect those persons who owing to one of the conditions specified above find themselves in a situation of manifest weakness and shall punish any abuse or mistreatment committed against them."

206. Upon marriage, the husband and the wife acquire the same rights and assume the same duties. Marriage entails the obligation on the spouses to live together, to remain faithful to each other and to give each other mutual support. The married woman is entitled to use her husband's surname. This right survives even if the marriage has ended owing to death, for as long as she does not remarry. Under no circumstances will a refusal by a married woman to use her husband's surname be

[11] Alvarez, Maria del Mar. La Constitucion Nacional y la Normativa Juridica Referida a la Mujer (Consideraciones generales). (The National Constitution and Legal Regulations as they Refer to Women (General Concepts), published in the Revista Venezolana de Estudios de la Mujer. Universidad Central de Venezuela. Centro de Estudios de la Mujer. Volume 5, No.14, Caracas, January-June 2000.

considered a failure to fulfil the duties imposed by the law as a consequence of marriage.

207. Administration of possessions falls to the spouse who acquires them, but mortgaging or selling a piece of property requires the consent of both, as is laid down in Article 168 of the Civil Code: "Each of the spouses may administer on his or her own the joint marital possessions that he or she has acquired through personal work or by any other legitimate means... The consent of both is required in order to dispose of, whether against recompense or not, or mortgage, jointly-held real estate ..."

208. Consequently, women may administer their possessions, both those which belong to them because they obtained them before the marriage and those which they may have acquired during the marriage through work or by any other legitimate means. Any property which is jointly held has to be administered jointly and disposed of or mortgaged by mutual agreement, on a basis of equality. Any private documents having legal effect but not meeting this requirement of mutual consent to dispose of or mortgage joint property will be null and void. Also considered null and void are those documents that diminish the constitutional, civic and economic rights of any person, whether man or woman.

209. Article 115 of the Constitution guarantees "the right of property. Every person has the right to use, enjoy, benefit from and dispose of his or her own property ...".

210. With regard to the legal capacity to enter into contracts, Article 112 of the Constitution lays down that: "All persons may devote themselves freely to whatever economic activity they choose, with no more restrictions than those provided for in this Constitution and those which are established by laws, for reasons of human development, security, health, protection of the environment or for any other social concern."

211. Article 16 of the Commercial Code states that: Any married woman, once of the age of majority, may carry out commerce separately from her husband and may pledge on her own responsibility her own goods and those joint marital goods the administration of which falls to her. She may also pledge under the same responsibility the remaining joint marital goods, with the explicit consent of the husband."

212. There is no impediment to a single woman's signing contracts, or buying or selling real estate.

213. There is no impediment to married or single women's attending court proceedings, being a judge or a lawyer, or being a witness in court cases.

214. Marital disputes are no longer resolved by the authority of the husband over the wife, which was eliminated from the Civil Code in 1982 (Article140). They are resolved in the civil courts.

Article 16

215. Complete equality between men and women is laid down clearly in Article 75 of the Constitution of the Republic of Venezuela, which states: "...Family relationships shall be based on equal rights and duties, solidarity, joint efforts, mutual understanding and reciprocal respect between the spouses. The State shall

guarantee protection for the mother, for the father or for whoever is acting as the head of the family..."

216. Article 76 states: "The father and mother shall have the shared and unwaivable duty to raise, train, educate, sustain and assist their sons and daughters, ...".

217. Additionally, the Organic Law on the Protection of Children and Adolescents (LOPNA 1998) makes reference to their rights and responsibilities as parents, in the following articles:

> Article 5. "General family obligations. ...The father and the mother shall have joint and equal responsibilities and obligations with regard to the care, development and complete education of their children ..."
>
> Article 13. "Progressive exercise of rights and guarantees. ...First paragraph: The parents, guardians or persons responsible shall have the duty and the right to guide children and adolescents in the progressive exercise of their rights and guarantees, as well as in the fulfilment of their duties, so that this shall contribute to their overall development and to their inclusion in the active citizenry ..."
>
> Article 349 "... The parental rights and duties with respect to their shared children shall fall to both the father and the mother during marriage, and shall be exercised jointly, with the best interests of the children being the overriding principle ..."
>
> Article 350 "... Where shared children were born outside the marriage, the parental rights and duties shall fall jointly to the father and the mother when it has been established simultaneously that both are the natural parents ... In all other cases, the parental rights and duties shall fall only to the one of the parents for whom parenthood has been established first ..."

218. The regulations in the pre-existing Civil Code text were largely nullified by this Organic Law, which provides for equal duties and rights for the mother and the father in relation to their sons and daughters. The fundamental difference between this law and the previous regulations in the Civil Code is that the current ones are based on the Convention on the Rights of the Child, which stresses the precedence of the interests of children and adolescents.

219. In the area of language, since it is older than the present Constitution, it lacks the gender approach in its wording.

220. The Constitution stipulates not only complete equality between the two spouses, or between two permanent unmarried partners, but Article 77 also enshrines the democratization of the relationships within families, establishing equal rights and duties among their members, which, in addition to other aspects, infers that these duties include the domestic responsibilities.

221. Article 77 of the Constitution: "Marriage between a man and a woman based on free consent and on absolute equality of the rights and obligations of the spouses shall be protected. Stable de facto unions between a man and a woman which meet the requirements stipulated in the law shall entail the same consequences as marriage".

222. Article 46 of the Civil Code reads: "Marriage may not be entered into by women below the age of fourteen (14) nor by men below the age of sixteen (16)."

223. The reform of the Civil Code in 1982 eliminated all of the discriminations against women listed in Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women, from subsection (a) to subsection (h).

Restrictions or limitations on the rights enshrined in the Convention

- The lack of preparation of many public officials, of both sexes, with regard to the gender approach (notably in the legal system).
- Difficulty in cooperation and coordination between various public bodies.
- The labour laws are sometimes difficult to enforce in private companies.
- Lack of knowledge in some women of the legal framework covering them.
- Lack, in many cases, of social indicators broken down by sex, which would make it possible to pursue further the gender analysis of women's situation.

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